

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 14, 2001

(Published September 22, 2001,  
in *Finance and Commerce*)

Room 132 City Hall.  
250 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
September 14, 2001 - 9:30 a.m.

Council President Cherryhomes in the Chair.

Present - Council Members Campbell, Biernat, Niland, Goodman, Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Ostrow, Council President Cherryhomes.

Campbell moved acceptance of the minutes of the regular meeting of August 24, 2001. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and communications and reports of the City officers to proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267253)

Local Initiatives Support Corporation (LISC): Appropriation of funds as MCDA's match for Year 2 of LISC Commercial Corridors Revitalization Program.

Grain Belt Housing Project: Request appropriation of funds for pre-development activities.

Senior Housing Policy Framework & Proposed Mpls Public Housing Authority ordinance changes.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (267254)

Mpls Youth Coordinating Board & North Star School Neighborhood Early Learning Center: Authorize use of Hennepin County's "Second 7.5%" NRP funds to support YCB for design costs; appropriation of funds.

#### **ELECTIONS (See Rep):**

ELECTIONS DEPARTMENT (267255)

Primary Election: Canvas of votes cast on Sept. 11, 2001, election.

#### **HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (267256)

Senior Forums and Survey: Report on observations and findings of forums and surveys.

#### **HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (267257)

Sentence to Service Homes Program: Amend contract with Hennepin County Department of

Corrections to increase funding to provide employment and training services for eligible Welfare-to-Work non-custodial parent offenders.

Phillips, North & Central Weed & Seed Sites: Amend contracts with State of Minnesota, Office of Drug Policy & Violence Prevention to extend performance period through December 31, 2001.

New Family Center: Issue amended Fund Availability Notice to Minneapolis Public Schools for additional social work services for families with language or cultural barriers who are enrolling children in school.

Public Health Advisory Committee: Approve appointment of Mary Hoopman, representing constituency previously served by Minneapolis Advisory Committee on Drug and Alcohol Problems, for term to expire December 31, 2002.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**HEALTH AND FAMILY SUPPORT SERVICES (267258)**

Director of Research and Assessment: Grant Patricia Harrison fourth step of appointed salary schedule.

**LICENSES AND CONSUMER SERVICES (267259)**

Lead Hazard Reduction and Education: Execute contract with Sustainable Resources Center for education and licensing services to small local contractors; Execute contract with Sustainable Resources Center for education and coordination services; Amend agreement with United States Department of Housing and Urban Development to provide that lead-based paint inspections, risk assessments and clearance dust testing must comply with the newly released Environmental Protection Agency lead hazard standards rule, and require that lab testing be performed by EPA accredited laboratories.

**INTERGOVERNMENTAL RELATIONS:**

**COUNCIL MEMBER CAMPBELL (267260)**

National League of Cities: Receive & file request for funding to host Human Development Steering Committee meeting in Mpls.

**COUNCIL MEMBER LANE (267261)**

League of Minnesota Cities: Receive & file proposed policies of Improving Service Delivery Committee.

**LIAISON/FEDERAL, LOCAL AND STATE (267262)**

Homeless Task Force: Receive & file legislative recommendations.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

**COORDINATOR/EMPOWERMENT ZONE (267263)**

Empowerment Zone: Authorize staff to submit application for \$6 million for consideration in State bonding bill.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

**POLICE DEPARTMENT (267264)**

State of the Precincts: Fifth Precinct Report.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**ATTORNEY (267265)**

Administrative Adjudication System: Ordinance implementing a system of citations and fines to be imposed and administered by the City for violation of local ordinances.

**INSPECTIONS DEPARTMENT (267266)**

Rental Dwelling License at 2223 6th St N: Revoke license held by Bashir Moghul.

Raze: Request to raze 1911 Penn Av N; 1523 Sheridan Av N; and 1631 Newton Av N, with attachments.

**LICENSES AND CONSUMER SERVICES (267267)**

Parking Lots: Ordinance requiring removal of litter from the area on and around the business premise, to monitor the property for security control, and referencing the Zoning Code for landscaping, lighting and paving requirements; with attachments.

Licenses: Applications.

MAYOR (267268)

Civilian Police Review Authority: Approve Mayoral reappointment of Juan Linares for term to expire June 30, 2005.

KOCH & GARVIS, ATTORNEYS AT LAW (267269)

Golden Leaf (3001 Hennepin Av): Request by licensee to stagger seven-day license suspension, instead of being closed for consecutive days.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FINANCE DEPARTMENT - SPACE AND ASSET MANAGEMENT (267270)

Office Space Lease for Third Precinct CCP/SAFE and Community Response Team

Personnel: Modify Coliseum Building Lease Agreement to increase total square footage of leased space by 593 square feet, increase total monthly rent by \$392 in Years 1 and 2 and \$404 in Year 3, and update commencement date from May 1, 2001 to August 1, 2001.

FIRE DEPARTMENT (267271)

Federal Emergency Management Agency/State and Local Assistance Program: Accept grant award of \$27,434 for fiscal year October 1, 2000 through September 30, 2001, and Approve appropriation.

Fire Training Facility Lease: Approve revised Fire Department North Campus Facility Lease Agreement and usage rates.

INSPECTIONS DEPARTMENT (267272)

Clean City Minneapolis Initiative: Accept grant award of \$20,000 from Minnesota Department of Transportation for radio advertising campaign, and Approve appropriation.

POLICE DEPARTMENT (267273)

2001 Local Law Enforcement Block Grant: Accept grant award of \$893,713 from United States Department of Justice, Bureau of Justice Assistance to expand community oriented policing programs and initiatives and to enhance operational capabilities of Police Department, and Approve appropriation.

2002 Justice Based After-School Program: Submit grant application to United States Department of Justice, Office of Community Oriented Policing Services seeking continued funds to enhance operational capabilities of Police Athletic League by continuing Grant Writer/Communication Specialist staff person.

**TRANSPORTATION AND PUBLIC WORKS:**

CITY CLERK (267274)

Critical Parking Area: Receive petition requesting establishment of area on Ewing Av S from 49th to 51st St.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (267275)

43rd St & Park Av S Flood Mitigation Project: Extend contract with Bonestroo, Rosene, Anderlik and Associates.

Plat Changes for YWCA Property at 2121 E Lake St: Authorize staff to sign plat.

2002 Uniform Assessment Rates: Establish street construction/renovation rates.

43rd & Upton Av S Roadway & Streetscape Revitalization Project: Approve resolution holding the State harmless for granting a variance on roadway size and amend parking restrictions in the vicinity of Sheridan Av S & 43rd St.

Areaway Removal at 5th St between Nicollet Mall & Marquette Av: Revoke encroachment permit and order removal due to conflict with light rail transit project.

Lease Agreement for 1100 Hawthorne Av: Authorize termination.

PUBLIC WORKS AND ENGINEERING (267276)

Stadium Village Special Service District Advisory Board: Appoint members.

Central Av Special Service District Advisory Board: Appoint members.

Portland Av Streetscape Improvements: Agreement with Hennepin County for reimbursement of City costs.

Appeal of Denial of Encroachment Permit for 801 Washington Av N: Appeal of Washington Lofts LLC.

Yard Waste Composting Services: Extend contract with NRG.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (267277)**

Alley Paving Project (1500 block, California to Grand St NE): Proceed with project and adopt special assessments, request the Board of Estimate and Taxation to issue and sell bonds and increase project appropriation.

Contract with Minneapolis Refuse, Inc. (MRI): Proposal for new contract for residential garbage, recycling, yard waste and problems materials collection service with fee schedule.

Nicollet Av Bridge over Minnehaha Creek: Low level lighting and streetscape project.

**PURCHASING (267278)**

Bids: a) OP #5680, low bid of Midwest Cellular Concrete and Cemstone Products Company for low density cellular concrete; b) OP #5685, low bid of Barton Sand and Gravel Company for select granular borrow for the Near Northside Project; c) OP #5688, low bid of EJM Pipe Services, Inc. for steel casing pipe; d) OP #5689, low bid of Nadeau Utility, Inc. to accomplish railroad track slab improvements at the Fridley Filter Plant; e) OP #5694, low bid of Lino Lakes Landscaping, Inc. for turf establishment and maintenance; f) OP #5699, low bid of Global Specialty Contractors, Inc. to accomplish the Third Av S, Avenue of the Arts Streetscape Project.

**WAYS AND MEANS BUDGET:**

**COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267278.1)**

Pantages (Mann) Theatre Project: Status Update. \*(See Report of August 24, 2001 submitted by CD and W&M/Budget.)

**CONVENTION CENTER (267279)**

Convention Center Expansion Project: Receive & File change management actions.

**HUMAN RESOURCES (267280)**

Affirmative Action: Receive & File 2nd Quarter, 2001 Report.

**PURCHASING (267281)**

Staff Purchasing Reports: Receive & File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (267282)**

Victim/Witness Liaison Services: Contract with Council on Crime and Justice.

**CONVENTION CENTER (267283)**

Convention Center Expansion Project: Change orders to contracts with Impulse Group, Inc (2); Premier Electrical Corporation; Minuti-Ogle Company, Inc; W. L. Hall Company; Harris Mechanical; Kellington Construction, Inc (2); Havens Steel Company.

**COORDINATOR (267284)**

Local Housing Incentives Account Program: Resolution electing to continue participation in program.

Donation: Accept \$2,500 from Minneapolis Foundation for Minneapolis Empowerment Zone Strategic Visioning Conference.

**FINANCE DEPARTMENT (267285)**

Extraordinary Step Request: Start Mohamedraza Lahka at Step 5 of salary scale for Accountant II in the Finance Department.

**HUMAN RESOURCES (267286)**

Labor Agreement with Minneapolis Public Works Engineers' Association: Salary Ordinance.

Formula Adjustments for Minneapolis Building & Construction Trades Council: Salary Ordinance.

Litigation Analyst Position: Classify new position and Salary Ordinance.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (267287)

Extraordinary Step Request: Start Ilena Lonetti at Step 4 of salary schedule for Manager, Information Technology Services in the ITS Information Access Division.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (267288)

Geographic Information System (GIS) 2000 Program: Contracts with Oracle; EMA; ESRI.

PURCHASING (267289)

Bid: OP #5692, accept low bid of Winslow Printing Company.

RISK MANAGEMENT (267290)

Workers' Compensation Settlement: Settle claim of Gary Kramer.

**ZONING AND PLANNING (See Rep):**

CITY CLERK/SPECIAL PERMITS (267291)

Franklin Av E, 1004 (Penny Woods) temporarily relocate store;

Humboldt Av N, 1101-09 (Wesley Construction Inc) begin construction of single family dwelling prior to variance being granted;

Thomas Av N, 1401 (Akinyee Akinsanya) begin construction prior to completing variance process.

INSPECTIONS/BOARD OF ADJUSTMENT (267292)

Peterson, Stephanie, 3308 W 34-1/2 St: Deny appeal of Martha Yunker & Loren Ahles; Notice of appeal & reasons therefor; Minutes; Staff report with findings & recommendation, maps, drawings, photos, letters, Statement of atty Thomas Owens; Statement of Beverly Bajus; Statement of Martha Yunker & Loren Ahles.

Denzer, Patrick & Lisa, 2706 W Lake of Isles Parkway: Grant appeal; Notice of appeal & reasons therefor; Minutes; Staff report with findings, recommendations, maps, drawings, photos, letters; Photos & news article submitted by Denszer.

PLANNING COMMISSION/DEPARTMENT (267293)

Historic Mills District Master Plan Update: Approve Update, dated March 2001, as small area plan for area bounded by 3rd Av S, Washington Av S, 11th Av S & Mississippi River; Staff Report summarizing comments received during the review period, dated 7/31/2001; Report of the City Planning Commission of 8/20/2001.

PLANNING COMMISSION/DEPARTMENT (267294)

Prima Land Company, 3608 Chicago Av S. Approve rezone to R4; Staff report with findings & recommendation with attached maps, drawings, comments of Southside Neighborhood Housing Services of Mpls, Inc; Report of City Planning Commission recommending approval.

Broadway Food & Deli (Eddie Bakri), 1905 W Broadway: Grant waiver of moratorium which prohibits expansion of commercial use along W Broadway; Staff report with findings & recommendation, map.

**COMMITTEE OF THE WHOLE:**

COORDINATOR (267295)

Community Development Work Group: Presentations by City Coordinator, Finance Director, MCDA Executive Director, NRP Director and City Attorney.

**PLANNING COMMISSION:**

HOPE COMMUNITY INC (267296)

Permission to vacate alley south of Franklin Avenue running east-west at 2009 Portland Av S and 2010 Oakland Av S.

**FILED:**

MINNESOTA STATE OFFICES-Auditor (267297)

Minneapolis Youth Coordinating Board, Annual Financial Report, yr ended December 31, 2000.

MINNESOTA STATE OFFICES-MnDOT (267298)

Commissioner's Order-Revocation of MSA for West Grant St from Third Ave S to Fourth Ave S (Freeway Entrance); Designation of MSA for 21st Ave S from 32nd St E to 31st St E.

**REPORTS OF  
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee recommends approval of the allocation of \$112,000 in Minneapolis Community Development Agency (MCDA) funds as a match to Year 2 of the Local Initiative Support Corporation (LISC) Commercial Corridors Revitalization Program, as more fully set forth in Petn No 267253.

Your Committee further recommends passage of the accompanying resolution increasing the MCDA appropriation in Fund FNA0 (Neighborhood Development) by \$112,000 to provide matching funds.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-391  
By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FNA0 - Neighborhood Development by \$112,000 from available fund balance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund CPP0 (Preliminary Planning) by \$30,000 to fund pre-development activities related to the Grain Belt housing project, as set forth in Petn No 267253.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-392  
By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CPP0 - Preliminary Planning by \$30,000 from current fund balance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County's "Second 7.5%" NRP funds in the amount of \$100,000 to support the Minneapolis Youth Coordinating Board for design costs at the North Star School Neighborhood Early Learning Center, now recommends:

1. Approval of the use of Hennepin County's "Second 7.5%" NRP funds for said purpose;
2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$100,000;
3. That the proper City officers be authorized to execute any contracts or agreements needed to implement activities set forth in said request; and
4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petr No 267254).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-393**  
**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR0 - NRP Program by \$100,000.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the 1999 Minneapolis Affordable Housing Policy directing the Minneapolis Community Development Agency (MCDA) to report on how to integrate a senior housing policy with the affordable housing initiative, now recommends that MCDA and the Minneapolis Public Housing Authority (MPHA) staff be directed to proceed with a senior rental housing policy based on the framework outlined in the report of the MCDA set forth in Petr No 267253.

Your Committee further recommends that the following ordinance amending Title 16, Chapter 420 of the Minneapolis Code of Ordinances relating to *Planning and Development: Public Housing Authority*, revising the definition of "public housing" to create authority for MPHA to own mixed income senior rental housing and to act as the issuer of essential function bonds be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-103, amending Title 16, Chapter 420 of the Minneapolis Code of Ordinances relating to *Planning and Development: Public Housing Authority*, revising the definition of "public housing", was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-103**  
**By Goodman and Niland**  
**Intro & 1<sup>st</sup> Reading: 8/24/2001**  
**Ref to: Comm Dev**  
**2<sup>nd</sup> Reading: 9/14/2001**

**Amending Title 16, Chapter 420 of the Minneapolis Code of Ordinances relating to Planning and Development: Public Housing Authority.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 420.30 (e) of the above-entitled ordinance be amended to read as follows:

**420.30. Definitions and general provisions.** Unless the context clearly indicates otherwise, the following terms for the purpose of this chapter shall have the meanings respectively ascribed to them.

(e) Public housing means all housing owned by the authority, all housing programs and projects currently being funded by the U. S. Department of Housing and Urban Development, Section 8 subsidized housing, housing projects, as defined in Minnesota Statutes, Section 469.002, subdivision 13, publicly owned housing development projects, as defined in Minnesota Statutes, Section 469.002, subdivision 15, elderly people, and other housing programs consented to by the city, but shall not mean (i) a housing development project, as defined in Minnesota Statutes, Section 469.002, subdivision 15, other than a publicly owned project for elderly people, or (ii) housing rehabilitation loan and grant programs authorized by Minnesota Statutes, Section 469.012, subdivision 6.

Section 2. That Section 420.100 (1) of the above-entitled ordinance be amended to read as follows:

**420.100. Powers and duties.** (1) *In general.* The authority may exercise only those powers in Minnesota Statutes, Sections 469.001 through 469.047, as they relate to public housing. The authority may exercise the powers granted by Minnesota Statutes, Section 469.033, subdivision 6, subject to the consent by resolution of the city council. All powers granted to the city council by Minnesota ~~laws~~ Laws 1980, Chapter 595, except those relating to public housing, are retained by and shall be exercised by the city council and the agency. Notwithstanding any other provision of this chapter to the contrary, the city, the agency and the authority may jointly or separately exercise powers related to publicly owned housing development projects for elderly persons and privately owned housing projects.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, to whom was referred back from Council on August 24, 2001 the recommendation of the Minneapolis Community Development Agency (MCDA) to rescind the Council action of March 24, 2000 relating to approval of financing options for structuring the renovation of the Pantages Theatre (Mann Theater), 708 Hennepin Avenue, and the surrounding Stimson Building property, and sale of the Stimson Building to the Historic Theatre Group subject to the terms set forth in Petn No 265686, now recommends -

**Comm Dev** - that the MCDA recommendation be sent forward without recommendation.

**W&M/Budget** - that the MCDA recommendation be approved.



Niland moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Community Development Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Colvin Roy, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Nays - McDonald.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, to whom was referred back from Council on August 24, 2001 the recommendations of the Minneapolis Community Development Agency (MCDA) to issue bonds to finance the renovation of the Pantages Theatre (Mann Theater), 708 Hennepin Avenue, into an 800-900 seat theatre for off-Broadway productions, music events and meeting use, to be owned by the MCDA with management similar to the arrangement for the State and Orpheum Theatres, and renovation of the surrounding commercial space in the Stimson Building that wraps around the Pantages to be either leased or sold for theatre-related uses, as follows:

a) Passage of the accompanying resolutions: 1) giving final approval to the issuance of up to \$22,500,000 in Tax-exempt MCDA, Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series 2001, with approximately \$15,000,000 allocated for the renovation of the Pantages Theatre and improvements to the Orpheum and State Theatres and approximately \$7,500,000 allocated for the refunding of the existing Orpheum Theatre bonds; and 2) giving final approval to the issuance of up to \$6,000,000 in Taxable MCDA, Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series 2001, for the renovation of the Stimson Building, to be issued through the Minneapolis Common Bond Fund and designating the Bonds as bonds entitled to the security provided by Ordinance No 87-Or-084, Tax Reserve and Pledge Ordinance, as set forth in Petn No 267204;

b) That pursuant to MCDA Resolution No 87-171M adopted by the Board of Commissioners of the MCDA on July 16, 1987, these Common Fund Bonds be designated, if and when issued, as bonds entitled to the Security provided by said Ordinance No 87-Or-084;

c) That summary publication of the above-described resolutions be authorized;

d) That this action be transmitted to the Board of Commissioners of the MCDA;

now recommends that the MCDA recommendations be sent forward without recommendation.

Niland moved that the report be amended to read "now recommends that the MCDA recommendations be approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, McDonald, Mead, Johnson, Thurber, Campbell, Biernat, Niland, Cherryhomes.

Nays - Colvin Roy, Lane, Ostrow.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-394 entitled, "Giving final approval to and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency with respect to the Mann (Pantages), Orpheum and State Theatres, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended." was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2001R-394**  
**By Niland and Campbell**

**Giving final approval to and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency with respect to the Mann (Pantages), Orpheum and State Theatres, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for its corporate purposes; and

Whereas, by Resolution No. 92-815M, as amended, of the Agency, the Agency established a common bond fund and authorized the issuance from time to time by the Agency of bonds to be secured by such common bond fund (the "Common Fund Bonds"); and

Whereas, under the terms of Minneapolis Code of Ordinances, Title 16, Chapter 422, as amended ("Chapter 422"), adopted pursuant to Chapter 595, the City Council of the City authorized the Agency to issue Common Fund Bonds; and

Whereas, the Agency expects to give final approval to the issuance of the Bonds by a resolution to be adopted on the date hereof; and

Whereas, the Agency has proposed to undertake a project that consists of the renovation and equipping of certain property owned by the Agency known as the Mann (Pantages) Theatre, and the acquisition of certain real property in connection therewith, located on the southwest corner of the intersection of Hennepin Avenue and North Seventh Street in the City. The proposed project will also include the advance refunding of bonds previously issued by the Agency for the expansion, renovation and equipping of the Orpheum Theatre located at 910 Hennepin Avenue in the City, and for certain renovations to the Orpheum Theatre and to the State Theatre located at 805 Hennepin Avenue in the City. The foregoing activities are hereinafter referred to collectively as the "Project"; and

Whereas, it has been proposed that the Agency issue Common Fund Bonds in the amount of up to \$22,500,000 (the "Bonds") with respect to the Project; and

Whereas, the Bonds shall bear interest at an average weighted interest rate not to exceed seven percent (7.00%) per annum, shall have a final maturity date not later than December 1, 2031, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference; and

Whereas, pursuant to Minneapolis Code of Ordinances, Chapter 424, as amended ("Chapter 424"), the City may from time to time designate a series of Common Fund Bonds to be secured by the limited pledge of tax revenues authorized by Chapter 424;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives final approval to the issuance by the Agency of the Bonds in the aggregate principal amount of not to exceed \$22,500,000 with respect to the Project.

That the City Council hereby designates the Bonds under Chapter 424 as bonds which are and shall be entitled to the benefit of the pledge, agreements and provisions of Chapter 424.

That the Finance Officer of the City shall execute and deliver such certificates as may be necessary on the date of delivery of the Bonds in order to acknowledge the application of Chapter 424 to the Bonds and the designation of the Bonds thereunder.

That this approval of the City Council of the City is hereby given as required by Chapter 422.

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, McDonald, Mead, Johnson, Thurber, Campbell, Biernat, Niland, Cherryhomes.

Nays - Colvin Roy, Lane, Ostrow.

Passed September 14, 2001. J. Cherryhomes, President of Council.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 2001R-395 entitled, "Giving final approval to and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency with respect to the Stimson Building, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended." was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A Complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2001R-395**  
**By Niland and Campbell**

**Giving final approval to and authorizing the issuance of revenue bonds of the Minneapolis Community Development Agency with respect to the Stimson Building, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for its corporate purposes; and

Whereas, by Resolution No. 82-512, as amended, of the Agency, the Agency established a common bond fund and authorized the issuance from time to time by the Agency of bonds to be secured by such common bond fund (the "Common Fund Bonds"); and

Whereas, under the terms of Minneapolis Code of Ordinances, Title 16, Chapter 422, as amended ("Chapter 422"), adopted pursuant to Chapter 595, the City Council of the City authorized the Agency to issue Common Fund Bonds; and

Whereas, the Agency expects to give final approval to the issuance of the Bonds by a resolution to be adopted on the date hereof; and

Whereas, the Agency has proposed to undertake a project that consists of the renovation and equipping of certain property owned by the Agency known as the Stimson Building, and the acquisition of certain real property in connection therewith, located on the southwest corner of the intersection of Hennepin Avenue and North Seventh Street in the City (the "Project"); and

Whereas, it has been proposed that the Agency issue taxable Common Fund Bonds in the amount of up to \$6,000,000 (the "Bonds") with respect to the Project; and

Whereas, the Bonds shall bear interest at an average weighted interest rate not to exceed nine percent (9.00%) per annum, shall have a final maturity date not later than December 1, 2031, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference; and

Whereas, pursuant to Minneapolis Code of Ordinances, Chapter 424, as amended ("Chapter 424"), the City may from time to time designate a series of Common Fund Bonds to be secured by the limited pledge of tax revenues authorized by Chapter 424;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives final approval to the issuance by the Agency of the Bonds in the aggregate principal amount of not to exceed \$6,000,000 with respect to the Project.

That the City Council hereby designates the Bonds under Chapter 424 as bonds which are and shall be entitled to the benefit of the pledge, agreements and provisions of Chapter 424.

That the Finance Officer of the City shall execute and deliver such certificates as may be necessary on the date of delivery of the Bonds in order to acknowledge the application of Chapter 424 to the Bonds and the designation of the Bonds thereunder.

That this approval of the City Council of the City is hereby given as required by Chapter 422.  
Adopted. Yeas, 9; Nays, 3 as follows:  
Yeas - Goodman, McDonald, Mead, Johnson, Thurber, Campbell, Biernat, Niland, Cherryhomes.  
Nays - Colvin Roy, Lane, Ostrow.  
Passed September 14, 2001. J. Cherryhomes, President of Council.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **ELECTIONS** Committee submitted the following report:

**Elections** - Your Committee reports that, pursuant to instructions, we canvassed the official returns submitted by the Judges of Election of the various election districts of the votes cast for City Officers at the Primary Election held in the City of Minneapolis on Tuesday, September 11, 2001, and herewith submit the results of our canvas, in accordance with the accompanying tables.

The total number of registered voters was 216,271 that does not include those persons who registered at the polls on Election Day. The total number of votes cast at the Primary Election was 59,632 or 27% of the total number of registered voters (using the figure 220,182) in the City of Minneapolis.

**CITY OF MINNEAPOLIS  
PRIMARY ELECTION  
SEPTEMBER 11, 2001  
SUMMARY REPORT**

**MAYOR**

Robert S. Barnett	44
Sharon Sayles Belton	15,926
Jeffrey Amadeus Booty	183
Gregory A. "Ernie" Brown	132
Bobby Causewell	27
Timothy Connolly	113
Leslie Davis	389
"Dick" Franson	202
Marcus Harcus	258
John L. Hartwig	107
Steven T. Houdek	71
Rodney Johari	740
Joshua b Jore	20
Mark Koscielski	223
Larry Leininger	78
Travis Manning	74
Lisa McDonald	10,733
Travis Manning	74
Debra Joyce Renderos	114
R. T. Rybak	20,059
Mark Stenglein	9,461
Mahamoud Wardere	160

**WARD 1**

Gary Bowman	244
Lori McCready	327
Paul Ostrow	2,358
Dave Ramstad	1,224
Jeremy Stomberg	263

---

**WARD 2**

Joan Campbell	933
Daniel Clipper	148
David W. Dann	48
Cam Gordon	1,068
Michael F. Scroggins	40
Paul Zerby	1,126

**WARD 3**

Joe Biernat	1,511
Brian Monroe	168
Shane M. Price	532
Valdis Rozentals	488
Makeda Zulu-Gillespie	178

**WARD 5**

Barry Duran Alexander Sr.	252
Jackie Cherryhomes	1,548
Natalie Johnson Lee	1,063

**WARD 6**

Shada Buyobe-Hammond	571
Christopher Bryant	95
Dean Kallenbach	576
Barbara Lickness	510
Tamir Nolley	67
Jonathan Palmer	144
Dean (Z) Zimmermann	687

**WARD 7**

Sean Flynn	693
Lisa R. Goodman	4,526
Leonard Joseph Weiss	207

**WARD 8**

Vickie Ann Brock	965
Robert Lilligren	1,649
Rory I. Lucas	359
Sandra Miller	799

**WARD 9**

Willie Lucky Daniels	260
Tiffany Ring	268
Lucky Rosenbloom	575
Gary Schiff	3,358

**WARD 10**

Shirley Carlson	581
Mark Knapp	867
Doug Kress	1,539
Dan Niziolek	2,043

**WARD 11**

David Albert Alvarado	131
Scott Benson	3,820
John Bernard Casserly	1,443
Ron Ravensborg	992

**WARD 12**

Sandy Colvin Roy	3,000
Gregg A. Iverson	485
Wade Russell	1,962

**PARK & RECREATION DISTRICT 2**

Brett D. Buckner	942
Timothy A. Davis Sr.	1,989
Jon Olson	2,555

**PARK & RECREATION DISTRICT 5**

Edward C. Solomon	3,539
Michael Sumner	3,024
Thomas Taft Westcott	1,591

**PARK & RECREATION DISTRICT 6**

Frannie Dassier	728
Bob Fine	5,249
Tracy Nordstrom	5,296

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** – Your Committee, having under consideration the Sentence to Service Homes Program that trains eligible participants in basic carpentry skills to work with developers and contractors to rehabilitate existing properties and work on new construction projects, now recommends that the proper City Officers be authorized to amend Contract #014854 with the Hennepin County Department of Community Corrections by increasing the amount by \$209,449, for a new total contract amount of \$520,689, and extending the performance period through June 30, 2002, to provide employment and training services for eligible Welfare-to-Work offenders (non-custodial parents), payable from Health & Family Support (060-860-8600).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** – Your Committee, having under consideration the federally-funded Phillips, North & Central Weed & Seed sites for 2001, now recommends that the proper City Officers be authorized to execute Amendment #2 to Contracts #15068, #15115 and #16192 with the State of Minnesota, Office of Drug Policy & Violence Prevention, to extend the performance period through December 31, 2001; all other terms and conditions of said contracts to remain unchanged.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** – Your Committee, having under consideration the New Family Center, now recommends that the proper City Officers be authorized to issue amended Fund Availability Notice (FAN) #Y6-1a, under Master Contract #10019, to the Minneapolis Public Schools to increase the amount by \$25,000, for a new total FAN not to exceed \$50,000, and to extend the performance period through September 30, 2001 to provide social work services for families with language or cultural barriers who are enrolling children in school, payable from Health & Family Support (060-860-8621).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** – Your Committee recommends that Mary Hoopman be appointed to the Public Health Advisory Committee, representing the constituency previously served by the Minneapolis Advisory Committee on Drug and Alcohol Problems, for a term to expire December 31, 2002.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** – Your Committee recommends that Patricia Harrison be granted the fourth step of the appointed salary schedule for the position of Director of Research and Assessment in the Department of Health & Family Support.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the provision of lead hazard reduction and education as part of the grant activities of the United States Department of Housing & Urban Development Round VIII Lead Hazard Reduction Grant, now recommends that the proper City Officers be authorized to execute a contract with Sustainable Resources Center, in the amount of \$200,000, for the delivery of education and licensing services to small local contractors during the 30 months of activities of the grant as indicated by the grant workplan, payable from Licenses & Consumer Services (030-835-8393).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the provision of lead hazard reduction and education as part of the grant activities of the United States Department of Housing & Urban Development Round VIII Lead Hazard Reduction Grant, now recommends that the proper City Officers be authorized to execute a contract with Sustainable Resources Center, in the amount of \$140,000, for the delivery of education and coordination services during the 30 months of activities of the grant as indicated by the grant workplan, payable from Licenses & Consumer Services (030-835-8393).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the provision of lead hazard reduction and education as part of the grant activities of the United States Department of Housing & Urban Development (HUD) Round VIII Lead Hazard Reduction Grant, now recommends that the proper City Officers be authorized to execute an amendment to the contract with HUD to provide that lead-based paint inspections, risk assessments and clearance dust testing must comply with the newly released Environmental Protection Agency (EPA) lead hazard standards rule, and require that lab testing be performed by EPA accredited laboratories.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

**IGR** - Your Committee recommends that staff be authorized to submit a \$6 million application for consideration in the 2002 State Bonding - Capital Budget request for the following three projects within the Minneapolis Empowerment Zone (Petn No 267263):

1. South East Minneapolis Industrial (SEMI) Redevelopment Project Infrastructure, \$2 million;
2. Chicago/Lake Infrastructure, \$2.2 million; and
3. 29th St Midtown Greenway Infrastructure Improvements, \$1.8 million.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee recommends concurrence with the recommendation of the Mayor to reappoint Juan Linares, 24 E Diamond Lk Rd (Ward 11), to serve on the Civilian Police Review Authority for a four-year term to expire June 30, 2005.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 1 of the Minneapolis Code of Ordinances relating to *General Provisions* by adding a new Chapter 2 relating to *Administrative Enforcement and Hearing Process*, implementing an administrative adjudication system of citations and fines to be imposed and administered by the City for the violation of local ordinances, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-104 amending Title 1 of the Minneapolis Code of Ordinances relating to *General Provisions* by adding a new Chapter 2 relating to *Administrative Enforcement and Hearing Process*, as follows:

Section 2.10. Purpose. To facilitate compliance with certain provisions of the Code of Ordinances and avoid unnecessary delay in the enforcement of the City's ordinances.

Section 2.20. Persons Authorized to Issue Citations. Lists the City employees authorized to issue citations subject to administrative enforcement.



Section 2.30. Alternative Methods of Enforcement. Provides the administrative enforcement and hearing process as an alternative method of compliance prior to any formal civil or criminal court action. This method is in addition to any other legal or equitable remedy available to the City to enforce its ordinances, unless a hearing officer makes a determination that a violation did not occur. In that case, the City may not proceed with a criminal prosecution for same act or conduct.

Section 2.40. Offenses Subject to Administrative Enforcement. Lists the Ordinance titles that are subject to the administrative enforcement and hearing process.

Section 2.50. Orders to Correct; Administrative Citations. Provides that an order to correct a violation may be issued by City officials listed in Section 2.20, upon reasonable belief that an ordinance offense has occurred, and if not corrected, authorizes official to issue administrative citation. Further, provides the procedure for issuing administrative citations and the content requirements.

Section 2.60. Civil Fines. Provides that offenses detailed in Section 2.60 are subject to civil fines. Prohibits imposition of civil fines for ordinance violations that prohibit the same conduct that is classified as a crime or petty misdemeanor pursuant to the Minnesota Statutes enumerated.

Section 2.70. Schedule of Fines. Provides that the City Council will adopt by resolution a schedule of fines for administrative offenses. Further provides that City officials enforcing this chapter must adhere to the adopted schedule of fines.

Section 2.80. Payment of Civil Fine; Request for Administrative Hearing. Provides that the violator must either pay the scheduled fine or request a hearing within 20 days after service of the administrative citation.

Section 2.90. Fee for Late Payment of Civil Fine. Provides a late fee of 10% of the fine amount if fine is not paid within 25 days after service of the administrative citation, or if violator fails to request a timely hearing. Further provides that if fine is not paid within specified period and hearing is not timely requested, the civil fine will constitute a personal obligation of the violator. Obligation may be collected by any appropriate legal means or through assessment, if fine imposed for property-related offense.

Section 2.100. Administrative Hearing Procedures. Sets forth the procedural due process requirements that the City and the hearing officer must follow prior to, during and after the hearing. This section also sets forth the penalty that may be imposed by the hearing officer, including the factors the hearing officer may consider in doing so. This section provides that a hearing officer's decision is final, with no further right of administrative appeal, and specifies that judicial review may be had by petitioning the Minnesota Court of Appeals for a writ of certiorari.

Section 2.110. Judicial review. An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals.

Section 2.120. Assessment of Civil Fines for Property-Related Violations. Provides that unpaid civil fines imposed for property-related violations may be assessed against property that was the subject matter of the civil fines, and the procedure and administrative charge for doing so.

Said ordinance was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-104**

**By Biernat**

**Intro & 1st Reading: 8/11/2000**

**Ref to: PS&RS**

**2nd Reading: 9/14/2001**

**Amending Title 1 of the Minneapolis Code of Ordinances relating to General Provisions by adding a new Chapter 2 relating to Administrative Enforcement and Hearing Process.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 2 to read as follows:

**CHAPTER 2. ADMINISTRATIVE ENFORCEMENT AND HEARING PROCESS**

**2.10. Purpose.** Pursuant to City Charter Chapter 4, Section 5, the city council enacts this Article of the Minneapolis Code of Ordinances to provide an administrative enforcement and hearing process for the resolution of certain violations of the Minneapolis Code of Ordinances. The council finds that an administrative enforcement and hearing process will facilitate compliance with certain provisions of this Code and avoid unnecessary delay in the enforcement of the Minneapolis Code of Ordinances.

**2.20. Persons authorized to issue citations.** The following city employees are authorized to issue citations for violations of the Minneapolis Code of Ordinances:

- (1) Police officers.
- (2) Animal control officers.
- (3) License inspectors.
- (4) Fire Chief, Fire Marshal and fire inspectors.
- (5) Building inspectors.
- (6) Manager of Environmental Health and environmental health inspectors.
- (7) Housing inspectors.
- (8) Zoning inspectors.
- (9) Traffic Control Agent II for violations of Title 13, Chapter 341.
- (10) Sidewalk Inspectors.

**2.30. Alternative methods of enforcement.** This administrative enforcement procedure provides for an alternative method for the city to gain compliance with provisions of the Code prior to any formal criminal or civil court action. The administrative enforcement and hearing process provided for in this chapter will be in addition to any other legal or equitable remedy available to the city for Code violations, except that if a determination is made by the hearing officer, pursuant to the hearing process detailed in section 2.100 of this chapter, that a violation did not occur, the city may not then proceed with criminal prosecution for the same act or conduct.

**2.40. Offenses subject to administrative enforcement.** A violation of the following provisions of the Minneapolis Code of Ordinances is an administrative offense that may be subject to the administrative enforcement and hearing process of this Article:

- (1) Title 4 Animals and Fowl
- (2) Title 5 Building Code
- (3) Title 9 Fire and Police Protection
- (4) Title 10 Food Code
- (5) Title 11 Health and Sanitation
- (6) Title 12 Housing
- (7) Title 13 Licenses and Business Regulations
- (8) Title 14 Liquor and Beer
- (9) Title 15 Offenses -- Miscellaneous
- (10) Title 17 Streets and Sidewalks
- (11) Title 18 Traffic Code
- (12) Title 20 Zoning Code

**2.50. Orders to correct; administrative citations.** Upon the reasonable belief that an offense detailed in section 2.40 of this chapter has occurred, the city officials listed in section 2.20 of this chapter may serve on the violator an order to correct the violation or may issue a citation for the violation. If compliance is not achieved by an order to correct, the official is authorized to issue an administrative citation pursuant to this chapter of the Code. An administrative citation must be served on the alleged violator. The administrative citation must state the date, time, and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting a mediation and hearing.

**2.60. Civil fines.** The administrative offenses detailed in section 2.40 may be subject to a civil fine. Civil fines may not be imposed for ordinance violations that prohibit the same conduct that is

classified as a crime or petty misdemeanor in Minnesota Statutes, Chapters 168, 168A, 169, 170, 171 and 609.

**2.70. Schedule of civil fines.** The city council will adopt by resolution a schedule of civil fines for administrative offenses. City officials enforcing this chapter must adhere to this schedule of fines.

**2.80. Payment of civil fine; request for administrative enforcement and hearing.** The alleged violator must either pay the scheduled civil fine or request a hearing within twenty (20) days after service of the administrative citation.

**2.90. Fee for late payment of civil fine.** (a) A late payment fee of ten (10) percent of the civil fine amount will be imposed if the person responsible for the violation fails to pay the civil fine within twenty-five (25) days after service of the administrative citation or fails to timely request a hearing pursuant to this chapter.

(b) If a civil fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the civil fine will constitute a personal obligation of the violator. A personal obligation may be collected by the city by any appropriate legal means. If the fine was imposed for a property-related violation, the city may assess the applicable property pursuant to section 2.120 of this chapter.

**2.100. Administrative hearing procedures.** (a) *Service; Minnesota Rules of Civil Procedure.* The Minnesota Rules of Civil Procedure govern with regard to service of process and calculation of time.

(b) *Hearing officers.* The city attorney will periodically approve a list of lawyers from which the city attorney will select a hearing officer to mediate and hear a matter for which a hearing is requested. The alleged violator requesting a hearing will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for removal for each case will be granted automatically by the city attorney. A subsequent request will be directed to the assigned hearing officer, who will decide whether the hearing officer cannot fairly and objectively review the case. If such a finding is made, the hearing officer will remove himself or herself from the case, and the city attorney will assign another hearing officer. The hearing officer is not a judicial officer, but is a public officer as defined by Minnesota Statutes, Section 609.415. The hearing officer must not be a current employee of the City of Minneapolis.

(c) *Subpoenas.* Upon the hearing officer's own initiative or upon written request of an interested party demonstrating the need, the hearing officer may issue an administrative subpoena for the attendance of a witness or the production of books, papers, records or other documents that are material to the matter being heard. The party requesting the administrative subpoena will be responsible for serving the subpoena and for paying the statutory fees and expenses of any witness. A person served with an administrative subpoena may file an objection with the hearing officer no later than the date specified in the administrative subpoena for compliance. The hearing officer may cancel or modify any portion of the administrative subpoena deemed unreasonable or oppressive. Any person who, without just cause, fails or refuses to comply with an administrative subpoena may be guilty of a misdemeanor. In the alternative, the party requesting the administrative subpoena may seek an order from district court directing compliance with the administrative subpoena.

(d) *Notice of hearing.* A notice of the hearing must be served on the alleged violator. The notice must be served at least ten (10) days in advance of the scheduled hearing unless a shorter time is accepted by all parties.

(e) *Mediation.* Immediately prior to any hearing, with the agreement of all parties, the hearing officer may attempt to mediate the dispute. If the dispute is settled as a result of mediation, the hearing will be canceled. Any mediated settlement must be commemorated by the hearing officer in writing and signed by the person responsible for the violation. A mediated settlement that calls for formal action by the city council is contingent on final city council approval and will be presented as a recommendation to the city council from the hearing officer.

(f) *Hearing procedure.* If a mediated settlement cannot be reached, the matter will proceed to a hearing. At the hearing, the parties will have the opportunity to present testimony and question witnesses, but strict compliance with the Minnesota Rules of Evidence will not be required. The hearing officer will tape record the hearing and receive testimony and exhibits into evidence. The hearing officer will receive and give weight to evidence, including hearsay evidence, that possesses

probative value commonly accepted by reasonable and prudent people in the conduct of their affairs. The city will have the burden of proof to demonstrate by a preponderance of the evidence that a violation occurred and that the required corrective action, if applicable, is reasonable. The determination by the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearing officer in determining the reasonableness of the required corrective action.

(g) *Authority of hearing officer.* The hearing officer will have the authority to:

- (1) mediate and enforce a settlement of the dispute;
- (2) determine whether a violation occurred;
- (3) dismiss the administrative citation;
- (4) impose the scheduled fine;
- (5) reduce, stay, or waive a scheduled fine upon compliance with appropriate conditions; or
- (6) increase the scheduled fine when the actual costs of enforcement are shown by a preponderance of the evidence to be greater than the amount of the scheduled fine.

(h) *Imposition of civil fine by hearing officer.* When imposing a fine for a violation, the hearing officer may consider any or all of the factors listed below:

- (1) the duration of the violation;
- (2) the frequency or recurrence of the violation;
- (3) the seriousness of the violation;
- (4) the history of the violation;
- (5) the violator's conduct after issuance of the notice of hearing;
- (6) the good faith effort by the violator to comply;
- (7) the economic impact of the fine on the violator;
- (8) the impact of the violation upon the community;
- (9) prior record of city code violations; or
- (10) any other facts appropriate to a just result.

(i) *Fines for continuing violations.* The hearing officer may exercise discretion to impose a fine for more than one (1) day of a continuing violation but only upon a finding that:

- (1) the violation caused a threat of harm to the public health, safety, or welfare; or
- (2) the violator unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons for continuing violations must be in writing.

(j) *Decision of the hearing officer.*

- (1) the hearing officer must determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable and must affirm, vacate or modify the city's decision regarding the alleged violation or corrective action.
- (2) the hearing officer must issue a written decision and order to the alleged violator that contains the following information:
  - a. The decision regarding the alleged violation including findings of fact and conclusions thereon in support of the decision.
  - b. The required corrective action, if any.
  - c. The date and time by which corrective action must be completed.
  - d. The monetary penalty assessed based on the criteria set forth herein.
- (3) the decision of the hearing officer must be served on the alleged violator.

(k) *Finality of decision.* The decision of the hearing officer shall be final without any further right of administrative appeal.

**2.110. Judicial review.** An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statutes, Section 606.01.

**2.120. Assessment of civil fines for property related violations.** (a) *Civil fines subject to assessment.* In accordance with chapter 10 of the Minneapolis city charter, unpaid civil fines imposed for property-related violations may be assessed against property that was the subject matter of the civil fines.

(b) *Prior voluntary payment.* Prior to any assessment for unpaid fines, the city shall seek

voluntary payment of the fines by notifying the owner of the property in writing of the fine imposed.

- (c) *Assessment procedure.* On or before the first day of October of each year, the following information relating to property having unpaid civil fines will be certified to the county auditor and collected in the same manner as taxes and special assessments against the property:
- (1) The unpaid civil fine and late fees, including the administrative charge due under subdivision (d) of this section.
  - (2) Interest at the maximum lawful rate permitted under Minnesota Statutes, Chapter 429.
  - (3) A description of the premises.
  - (4) The name of the owner of the property.

The assessed-unpaid civil fine will be a perpetual lien on the premises until paid. Prior to the certification to the county auditor, the owner must be given written notice of the proposed assessment and be provided an opportunity to be heard before the city council.

(d) *Administrative charge for assessment.* An administrative charge of eight dollars (\$8.00) is due upon the mailing of the notice of the proposed assessment.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, requiring the removal of litter from the area on and around the business premise, to monitor the property for security control, and referencing the zoning code for landscaping, lighting and paving requirements, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-105 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Sections 319.10, 319.60, 319.120, 319.130, 319.200, 319.220, 319.225, 319.230, 319.260, 319.310 and 319.320 to remove the requirement for a free parking lot license, to refer paving, landscaping, and lighting standards to that established by the Minneapolis Zoning Code, to establish requirements for parking lot security measures, to amend the requirements of parking lot signs, and to clarify parking lot maintenance standards for purposes of litter control, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

**ORDINANCE 2001-Or-105**  
**By Biernat and Cherryhomes**  
**Intro & 1st Reading: 6/8/2001**  
**Ref to: PS&RS**  
**2nd Reading: 9/14/2001**

**Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following definitions in Section 319.10 of the above-entitled ordinance be amended to read as follows:

**319.10. Definitions.**

*Commercial parking lot* means a parking lot ~~which~~ that charges a fee for parking or storing motor vehicles.

*Motor vehicle* means every vehicle ~~which~~ that is self-propelled and not deriving its power from overhead wires.

Section 2. That Section 319.60 of the above-entitled ordinance be amended to read as follows:

**319.60. License fee.** The annual license fee for a commercial parking lot licensed under this chapter shall be:

<i>Class A</i>		<i>Class B</i>	
0 -- 50 spaces	\$276.00	0 -- 50 spaces	\$ 72.00
51 -- 100 spaces	408.00	51 -- 100 spaces	138.00
101 -- 200 spaces	680.00	101 -- 200 spaces	204.00
Over 200 spaces	1,086.00	Over 200 space	406.00

~~The license fee for a free parking lot shall be seventy-two dollars (\$72.00), which shall be payable only when the original application is made and when the license is transferred to a new licensee.~~

~~There shall be a sixty-five-dollar (\$65.00) surcharge for each commercial parking lot license for a new location not previously licensed under this chapter.~~

Section 3. That Section 319.120 of the above-entitled ordinance be amended to read as follows:

**319.120. Paving required.** (a) The ground or floor space of all parking lots shall be surfaced with concrete of either the cement or asphalt type per the specifications of chapter 541.300 of this Code.

~~(b) A parking lot which was properly licensed on August 1, 1982, and which had surfaced its lot prior to August 1, 1982, by the double penetration seal coat method may continue to use that method provided the materials and application process conform to standards established by the director of licenses and consumer services, based on recommendations from the director of public works. If a licensee fails to maintain a lot surfaced with the double penetration seal coat method as provided in paragraph (c) of this section, the director of licenses and consumer services may prohibit the licensee from using the double penetration seal coat paving method and require that the lot be surfaced with concrete of either the cement or asphalt type.~~

(c) ~~b~~ The ground or floor surface of all parking lots shall be maintained so as to provide a smooth, level surface for parking and shall be kept free of depressions, cracks, gaps, holes, and similar surface aberrations, as well as dust, rocks, dirt, litter and other debris.

Section 4. That Section 319.130 of the above-entitled ordinance be amended to read as follows:

**319.130. Driveways.** Each parking lot shall have at least one driveway ~~which~~ that shall be adequate to afford safe and efficient ingress and egress to the parking facility. All driveway locations, the width of driveways, location of self-service ticket vendors, location of attendant buildings and the interior circulation systems shall be approved by the department of public works.

Section 5. That Section 319.200 of the above-entitled ordinance be amended to read as follows:

**319.200. Landscaping, fencing, and bumper curbs.** (a) All parking lots shall be landscaped. The landscaping requirement shall be ~~met by complying with one of the following alternatives:~~ those requirements established in section 541.360 of this Code.

~~(1) Maintaining a buffer yard at least five (5) feet in depth along each property line, except at places of entrance and exit, which is contiguous to a street or residential district. Each yard shall be planted and adequately maintained in living sod, shrubbery or trees and shall be defined by a six-inch curb along the perimeter of the buffer yard. A buffer yard may be used as a place to store snow.~~

~~(2) Erecting an architectural screen at least thirty (30) inches in height and planting trees along each property line, except at places of entrance and exit, which is contiguous to a street or residential district. The architectural screen shall be a wall or fence of wood, ornamental~~

block, brick, metal or combination thereof. Posts may be either wood or metal. When wood is used in an architectural screen, it shall, at a minimum, be rough-sawn, pressure-treated west coast fir or hemlock at least No. 2 common. The height of the top of the screen should equal that of the posts. The design of the architectural screen shall be according to the prototype approved by the city council. Trees shall be planted along each property line which is contiguous to a street or residential district. Trees shall be chosen from a list of approved species adopted by the director of licenses and consumer services based on recommendations of the park board chief of forestry. The list shall prescribe a minimum size and maximum interval for each species, and all trees shall be planted in conformity with the appropriate size and interval.

(3) Erecting an architectural screen at least thirty (30) inches in height along each property line, except at places of entrance and exit, which is contiguous to a street or residential district, and constructing landscaped areas at each corner of the parking lot. The architectural screen shall be a wall or fence of wood, ornamental block, brick, metal or combination thereof. Posts may be either wood or metal. When wood is used in an architectural screen, it shall, at a minimum, be rough-sawn, pressure-treated west coast fir or hemlock at least No. 2 common. The height of the top of the screen should equal that of the posts. The design of the architectural screen shall be according to the prototype approved by the city council. Landscaped areas shall each be at least twenty (20) square feet, defined by a raised curb or berm, and planted and maintained with trees and sod, shrubbery or living ground cover. The design of the landscaped area shall be chosen from alternative designs adopted by the director of licenses and consumer services based on recommendations of the park board chief of forestry.

(b) Wherever a buffer yard is used, the parking lot shall maintain bumper curbs at least six (6) inches in height for all parking spaces to prevent motor vehicles from coming in contact with the yard. Wherever an architectural screen is used, bumper curbs shall not be required, provided that the screen is of adequate strength to act as a bumper post.

(c) No parking lot licensee shall park or allow to be parked any motor vehicle on such lot in such a manner that any part of said motor vehicle extends over or beyond the property line, or over and into any street, sidewalk, alley, or driveway, or in such a manner that any part of said motor vehicle comes into contact with any wall, planter, shrubbery or building.

(d) If a provision of a zoning ordinance imposes a more stringent landscape and screening requirement than is found in this chapter, the provisions of the zoning ordinance shall be controlling.

Section 6. That Section 319.220 of the above-entitled ordinance be amended to read as follows:

**319.220. Lighting.** Parking lots which are equipped with lights shall have such lights arranged in a manner so that residential structures shall be shielded from direct rays of light and so as not to exceed an intensity of illumination greater than three (3) footcandles measured at the residence district boundary, or ten (10) footcandles measured at the contiguous street right-of-way line. Parking lots licensed under this chapter shall provide lighting as established by section 530.340 of the Minneapolis Zoning Code.

Section 7. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 319.225 to read as follows:

**319.225. Parking lot security.** (a) If the director of licenses and consumer services becomes aware of chronic problems or complaints with loitering, disorderly behavior, consumption of beverage alcohol, thefts, property damage, or other nuisance-related or criminal activity on parking lots licensed under this chapter, after (i) providing notice to the licensee of the concerns (ii) providing licensee a reasonable opportunity to correct the problem, and (iii) if the problems persist, conducting a hearing to ascertain if increased measures are warranted, the director may require such parking lots to provide increased monitoring or other reasonable security measures. To impose such monitoring or increased security measures, the director must prove at the hearing that a licensee, after notice and an opportunity to correct, has failed to adequately address the parking lot problems. The director's determination may be based on all relevant evidence including the location's uniform crime reporting statistics.

(b) Licensees authorizing the removal or immobilization of a vehicle on a licensed parking lot

for reasons of non-payment of a parking fee or a trespass violation must sign the required authorization form and be present when the service is performed. Said person authorizing this service must be an owner of the property from which the vehicle is to be removed, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly authorized protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot license holder authorized in writing by the owner of this property to authorize towing. The person authorizing the towing service and signing the order form shall not be a motor vehicle service or immobilization service licensee, nor an employee or agent of a motor vehicle service or immobilization service licensee.

Section 8. That Section 319.230 of the above-entitled ordinance be amended to read as follows:

**319.230. Signs.** (a) Every Class A licensee shall maintain information signs on the parking lot. No information signs are required for Class B lots except that when signs are used they shall conform to the requirements of this section when applicable. Said signs shall show the name and telephone number of the licensee or attendant, the license certificate number, the street address of the parking lot, and the rates charged for parking or storing automobiles on said premises. Such signs shall state the minimum rate, the maximum rate for twelve (12) hours, and the maximum rate for twenty-four (24) hours, and if there is no maximum rate, the sign shall so indicate. Such signs shall also state the rate for special events. No change in the posted rates shall be effective unless written notice of such change has been filed with the department of licenses and consumer services not less than seven (7) calendar days prior to the effective time of the change. Signs shall be either three (3) feet by five (5) feet horizontal, three (3) feet by five (5) feet vertical, or five (5) feet by ten (10) feet horizontal, permanently mounted with a minimum height to the bottom of sign of eight (8) feet and a maximum height to top of sign of fifteen (15) feet, and shall conform to all city codes regarding erection and construction. No temporary signs or overlays shall be permitted unless the price posted on such signs or overlays conforms with the price posted on the permanent signs on the lot. All signs shall be plainly visible to the public, and shall be printed in the "Standard Alphabet of Highway Signs" (series E); series C or D may be permitted upon approval to accommodate necessary long verbiage. Layout of sign graphics shall be according to the approved prototypes as approved by the city council on file with the department of inspections which establishes the standards pertaining to size of sign, color, size of lettering, placement of information and identification symbols. Signs may include a business logo. In no case shall any letters or numerals be less than three (3) inches in height. The green color used shall be "outdoor advertising association standard" No. 144-L medium green.

(b) Signs on one-way streets need only display required graphics on the side facing traffic flow. In such cases the opposite face shall be painted white.

(c) Free parking lots may place no more than one freestanding information sign at each entrance. The sign shall not be required to adhere to the above graphic requirements, but shall be limited to a maximum size of fifteen (15) square feet and in no case shall the longest dimension exceed five (5) feet.

(d) Except as permitted in this section, it shall be unlawful to attach signs to or display graphics of any type on licensed attendant buildings except to attach or incorporate into the building design a sign which specifies the hours of attendant duty, the location of keys after attendant hours, the name and phone number of licensee, and any other information essential to the normal operation of the lot.

(e) All parking lots which that engage in towing or immobilization of unauthorized vehicles shall post such practice on a sign at each lot entrance. In addition, the sign shall include the lot owner's name, license or permit number, name and telephone number of Class A tower or immobilization service used, and the current fee charged for towing or immobilization. No tower or immobilization service shall charge more than the amount indicated on the sign posted at the parking lot at the time of towing of the vehicle. Letters on such signs shall be at least three (3) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the director of the department of licenses and consumer services or the director's duly authorized representative.

(f) All Class A parking lots located within the Downtown B4 zoning district shall post at all points



of entry a Minneapolis Police Department no trespassing sign of dimensions as approved by the Minneapolis Police Department. Additionally, at least one no trespassing sign shall be visible from any point in the lot.

Section 9. That Section 319.260 of the above-entitled ordinance be amended to read as follows:

**319.260. Maintenance standards.** (a) No licensee or other person in charge of any parking lot shall place upon the street, alley, curb, sidewalk or boulevard any accumulations of snow, ice, dirt, rubbish, garbage, litter, or other dangerous or unwholesome substances or of any water or waste by reason of washing or cleaning of automobiles; and each licensee shall at all times keep all driveways leading to said parking lot and sidewalks and boulevards adjacent to said parking lot free and clear of all accumulations of snow, ice, dirt, weeds, rubbish or other dangerous or unwholesome substances. All snow originating in entrances or upon the lot itself shall be hauled away at the lot owner's or operator's expense or placed well back on private property.

(b) Each licensee shall at all times keep all surface areas of said parking lot, driveways leading to said parking lot, sidewalks and boulevards adjacent to the parking lot, and the area up to the center line of any alley free and clear of all accumulations of dirt, weeds, rubbish, garbage, litter, or other dangerous or unwholesome substances. Attendant buildings, landscaping, fences, walls, planters and shrubbery shall be kept clean and in good condition at all times. Trees, plants and grass shall be well tended and shall be replaced without delay if damaged, diseased or dead. All surfaces required to be paved shall be maintained with a smooth level surface and shall be kept free of depressions, cracks, gaps, holes or similar surface aberrations.

(c) In addition to the maintenance requirements found under (a) and (b) of this section, parking lots authorized for and permitting certain activities as found in section 319.310 (c) are required to ensure that the area three hundred (300) feet in any direction from the perimeter of the parking lot has been cleared of all rubbish, garbage, or other dangerous or unwholesome substances within four (4) hours of the termination of the event.

(d) Parking lots authorized for and permitting certain activities as found in section 319.310 (c) shall provide adequate and sufficient waste receptacles at all points of egress of the lot and additionally as needed and shall further provide portable sanitary toilets in a number and type as determined by the Minneapolis environmental health division in accordance with the Portable Sanitation Association guidelines.

Section 10. That Section 319.310 of the above-entitled ordinance be amended by adding a new Subdivision (d) to read as follows:

**319.310. Prohibited acts.**

(d) Class A commercial parking lots offering special event parking shall not permit, or provide wood burning fires of any kind. Licensees may permit patrons to prepare food on charcoal or propane grills provided that appropriate refuse containers are available and that parking lot litter control measures are enacted.

Section 11. That Section 319.320 of the above-entitled ordinance be amended to read as follows:

**319.320. Extensions of time.** After June 1, 1984, no extension of time to comply with any of the requirements of this chapter shall be granted except to a parking lot situated on land scheduled for development in the immediate future ~~as street or highway right-of-way~~. In the case of a parking lot so situated, the city council may grant an extension of time only to comply with the paving requirements of section 319.120, the landscaping requirements of section 319.200, and the provision of section 319.200 regarding the placement of attendant buildings. A licensee seeking an extension of time shall do so by petition to the department of licenses and consumer services. When a petition has been filed, a hearing shall be scheduled before the standing committee of the city council responsible for licenses. No extension of time shall be granted unless the licensee shows that plans actually exist for the development of the property in the immediate future and that there are particular hardships and practical difficulties in the way of carrying out paving and landscaping without delay. When an extension of time is granted, it shall be in writing and shall specify the date upon which paving and landscaping improvements must be completed. No extension of time shall be granted for a period longer than twelve (12) months.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of News Room Inc, dba News Room Inc, 900 Nicollet Mall #AA, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 2002 and a Sidewalk Cafe License to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire October 1, 2002**

Skol Inc, dba Skol Liquors, 2500 27th Av S;

JPOC Inc, dba Union Liquor Store, 3219 Penn Av N;

Camden Liquors Inc, dba Camden Liquors, 4153 Lyndale Av N;

McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2002**

80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th Floor;

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2000**

Sophias Inc, dba Sophias Restaurant, 65 Main St SE (internal transfer of shares);

**On-Sale Liquor Class B with Sunday Sales, to expire October 13, 2001**

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises with entertainment, September 21, 22, 28 & 29 and October 5, 6, 12 & 13, 2001, 5:00 p.m. to 11:00 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2002**

Bravo LLC, dba Bravo!, 900 Hennepin Av;

Poodle Inc, dba Poodle, 3001 E Lake St;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2002**

Antrim Enterprise LLC, dba Idyl Hour, 222 S 9th St;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2002**

Cedar Point Inc, dba Palmers Bar, 500 Cedar Av (new shareholder/partner & new corporate officer);

Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2002**

Morton's of Chicago/Mpls Inc, dba Morton's of Chicago, 555 Nicollet Mall;

**Temporary On-Sale Liquor**

Milkweed Editions Inc, dba Milkweed Editions Inc, 1011 Washington Av S (September 22, 2001, 7:00 p.m. to 10:30 p.m., Book Lovers Ball; Licensed Facilitator: D'Amico Catering);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2002**

Lake Street Garage Inc, dba Lake Street Garage, 3508 E Lake St (new manager);

**Temporary On-Sale Wine**

Minneapolis Downtown Council, dba Downtown Council, 81 S 9th St #260 (September 8, 2001, Noon to 7:00 p.m. at Peavey Plaza);

**Temporary On-Sale Beer**

Mob Inc, dba Metro Old Boy Rugby Club, 901 23rd Av NE (September 15, 2001, Noon to 9:00 p.m. at Columbia Park Picnic Area);

Our Lady of Peace Catholic Community, dba Our Lady of Peace, 5425 11th Av S (Fall Festival, September 21, 2001, 6:00 p.m. to 10:00 p.m., September 22, 2001, Noon to 1:00 a.m., and September 23, 2001, Noon to 5:00 p.m.).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 14, 2001, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267267):

Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Confectionery; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Fuel Dealer; Gas Fitter Class A; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Oil Burner Installer; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Peddler - Special Religious; Pet Shop; Precious Metal Dealer; Refrigeration Systems Installer; Secondhand Goods Class B; Antique Dealer Class B; Solicitor - Company; Solicitor - Individual; Tattooist/Body Piercer; Taxicab Vehicle; Taxicab Vehicle - Non-transferable; Tobacco Dealer; Combined Trades; and Valet Parking.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling-Lawful Class B**

VFW Post 1149, dba VFW Post 1149, 3018 17th AV S (Site: VFW Post 1149, 3018 17th Av S);

**Gambling Lawful Exempt**

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, raffle, paddlewheel & pulltabs October 21, 2001);

Bestprep, dba Bestprep, 400 N 1st St (Raffle January 29, 2002, McNamara Alumni Center, 200 Oak St SE);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo & raffle October 28, 2001);

Junior League of Minneapolis, dba Junior League of Minneapolis, 2901 Hennepin Av (Raffle November 5, 2001);

March of Dimes, dba March of Dimes, 5233 Edina Industrial Blvd, Edina (Raffle October 22, 2001, Hyatt Regency, 1300 Nicollet Mall);

University of Minnesota "M" Club, dba University of Minnesota "M" Club, 4500 Park Glen Rd, Suite 280, St. Louis Park (Raffle November 24, 2001, HHH Metrodome, 900 S 5th St);

Our Lady of Peace Catholic Community, dba Our Lady of Peace, 5425 11th Av S (Raffle September 23, 2001).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Tobacco Dealer License held by Golden Leaf, 3001 Hennepin Av (Calhoun Square), and a Technical Advisory Committee (TAC) having been held that concluded that a third violation of the Minneapolis Code of Ordinances had occurred and that tobacco products were sold to a minor, and the licensee having requested that the TAC recommendation for a seven day suspension of the license be staggered instead of consecutive, now recommends that said request be denied.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Colvin Roy, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Nays - McDonald.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License held by Bashir A. Moghul for the property located at 2223 6th St N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances and having recommended that the properties be razed, now recommends that said properties be sent forward without recommendation:

a. 1911 Penn Av N, legally described as Lot 13, Block 1, Nichols-Frissel Co's Shady Park Side Addition to Minneapolis (PID #17-029-24-14-0021);

b. 1523 Sheridan Av N, legally described as Lot 3, Block 1, W.H. Lauderdale's Addition to Minneapolis (PID #17-029-24-44-0152);

c. 1631 Newton Av N, legally described as Lot 1, Park Side Addition to Minneapolis (PID #16-029-24-32-0056).

Biernat moved that the report be postponed. Seconded.

Adopted upon a voice vote.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, having under consideration the lease of office space for the Third Precinct's Community Crime Prevention/SAFE and Community Response Team personnel at the Coliseum Building located at 2700 E Lake St, now recommends that the proper City Officers be authorized to amend Lease Agreement #C01-016096 with 2700 East Lake Street LLC as follows:

a. increase the total square footage of leased space by 593 square feet;

b. increase the total monthly rent by \$392 in Years 1 and 2 and \$404 in Year 3;

c. update the commencement date from May 1, 2001 to August 1, 2001.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the 2001 Local Law Enforcement Grant Program, now recommends that the proper City Officers be authorized to accept a grant award of \$893,713 and execute a grant agreement with the United States Department of Justice, Bureau of Justice Assistance, to expand community oriented policing programs and initiatives and to enhance the operational capabilities of the Police Department, including staff support in the City Attorney's Office to respond to the increase in misdemeanor violations and citations made by the Police Department's Community Response Teams and CODEFOR, as more fully set forth in Petn No 267273 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Resolution appropriating \$893,713 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-396**

**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P608) by \$893,713 and increasing the Revenue Source (030-400-P608 - Source 3210) by \$893,713.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$27,434 from the Federal Emergency Management Agency for the State and Local Assistance Program for the fiscal year October 1, 2000 through September 30, 2001.

Your Committee further recommends passage of the accompanying Resolution appropriating \$27,434 to the Fire Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-397**

**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$27,434 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$27,434.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends approval of the revised City of Minneapolis Fire Department North Campus Fire Training Facility Lease Agreement and usage fee rates, with revenues generated to be allocated to the Fire Department (010-280-281L), as set forth in Petn No 267271 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Clean City Minneapolis Initiative, now recommends that the proper City Officers be authorized to accept a grant award of \$20,000 from the Minnesota Department of Transportation to provide funding for a Clean City radio advertising campaign.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,000 to the Inspections Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-398**

**By Biernat and Campbell**

#### **Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Inspections Agency in the Grants - Other Fund (060-850-8510) by \$20,000 and increasing the Revenue Source (060-850-8510 - Source 3215) by \$20,000.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the 2002 Justice Based After-School Program, now recommends that the proper City Officers be authorized to submit a grant application to the United States Department of Justice, Office of Community Oriented Policing Services, seeking continued funds to enhance the operational capabilities of the Police Athletic League by continuing to support the Grant Writer/Communication Specialist staff position.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the E 43<sup>rd</sup> St and Park Av S Flood Mitigation Basin Project, now recommends that the proper City officers be authorized to amend Contract #015823 with Bonestroo, Rosene, Anderlik and Associates, Inc. by extending said contract to December 31, 2001 (Fund 7300-600-6063).

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having been informed that the YWCA has created a new plat for their facility at 2121 E Lake St and authorization of the City is required to record the plat, now recommends that the proper City officers be authorized to sign the plat of YWCA/URBAN SPORTS CENTER on behalf of the City.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying Resolution establishing uniform assessment rates for street construction and street renovation improvements for the 2002 calendar year.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-399**

**By Mead**

**Establishing uniform assessment rates for street construction and street renovation improvements for the 2002 calendar year.**

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998 and June 12, 1998 relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Engineer has submitted the recommended 2002 Uniform Assessment Rates, all as contained in Petn No 267275 on file in the Office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis;

That the following rates are hereby established as the 2002 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2002 calendar year:

Construction (street paving, curb and gutter and other street paving related improvements) – appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.02/sq ft – Local – Non-Residential;  
\$1.02/sq ft – Other – Non-Residential;  
\$0.40/sq ft – Local – Residential;  
\$0.32/sq ft – Other – Residential.

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) – appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$0.51/sq ft – Local – Non-Residential;  
\$0.51/sq ft – Other – Non-Residential;  
\$0.20/sq ft – Local – Residential;  
\$0.16/sq ft – Other- Residential.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the W 43<sup>rd</sup> St and Upton Av S Roadway and Streetscape Revitalization Project using Municipal State Aid (MSA) funds, and having been informed that a small portion of this project, as built, does not meet all MSA geometric clearance rules for curb reaction distance, and having been informed that MnDOT has granted a variance from State Aid Rules conditioned upon City approval, now recommends the passage of the accompanying Resolution holding the State of Minnesota harmless of claims resulting from the granting of this variance so as to permit the completion of this project.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-400**

**By Mead**

**Holding the State of Minnesota harmless from any claims arising from the granting of a variance from state design standards (8820.9936, curbside reaction distance) on the east side of Sheridan Av S (MSAS 201), from approximately 150 to 315 feet north of the north curb line of W 43<sup>rd</sup> St.**

Whereas, the City of Minneapolis wishes to complete the W 43<sup>rd</sup> St and Upton Av S Roadway and Streetscape Revitalization Project ("Project"); and

Whereas, Minnesota Department of Transportation State Aid Rule 8820.9936 (Geometric Design Standards, Urban; New or Reconstruction Projects) requires that "New or reconstruction projects for urban roadways must meet or exceed the minimum metric dimensions indicated in the following chart"; and

Whereas, the design chart has minimum traffic lane curb reaction distances and parking lane widths indicated for Collectors or Locals with ADT (Average Daily Traffic) equal to or greater than 10,000 vehicles; and

Whereas, physical constraints, traffic management, and urban landscaping limit some of the traffic lane curb reaction distances and parking lane widths of Sheridan Av S between the reconstructed Upton Av S and the northerly Project limits; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules; and

Whereas, the City has petitioned the Commissioner of Transportation for a variance from State Aid Rule 8820.9936 to reduce the required traffic lane curb reaction distance of the southbound Sheridan Av traffic lane from the intersection of Sheridan Av S with the reconstructed Upton Av S (approximately 150 feet north of the north curb line of W 43<sup>rd</sup> St) to the northerly Project limits (approximately 315 feet north of the north curb line of W 43<sup>rd</sup> St) to 0.7 meters (2.3 feet) from 1.2 meters (4 feet) as required by Rule 8820.9936; and

Whereas, the State Aid Engineer, acting on behalf of the Commissioner of Transportation, has granted the City's petition for variance; and

Whereas, the granting of the variance is conditional upon receipt of a resolution by the City Council that holds the State of Minnesota harmless from claims arising out of the granting of this variance;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis indemnifies, saves, and holds harmless the State of Minnesota and its agents and employees of and from any and all claims, demands, actions, or causes of action arising out of or by reason of granting this variance, in any other manner than in accordance with



Minnesota Rules 8820.9936 and further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising as a result of the granting of this variance.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the 43<sup>rd</sup> St and Upton Av S Revitalization Project and plans to reestablish parking in the vicinity of 4271 Sheridan Av S based on granting of a State variance on street width, now recommends passage of the accompanying ordinances:

a) Repealing the previously established No Parking Anytime restrictions in Parking Zone #6745; and

b) Amending Parking Zone #2970 (One Hour Parking, 8AM-6PM) to include the vicinity of 4271 Sheridan Av S.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 2001-Or-106**

**By Mead**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/14/2001**

**Repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following No Parking Zones contained in Section 478.590 of the above-entitled ordinance be repealed:

No. 6745 - Ely side of Sheridan Av S beg 25' Nly of the Nly curb line of W 43<sup>rd</sup> St and thence extending 65 feet Nly (No Parking Anytime).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 2001-Or-107**

**By Mead**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/14/2001**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.570 of the above-entitled ordinance be amended to change the following Parking Zone to read:

No. 2970 - Ely side of Sheridan Av S beg 25' Nly of the Nly curb line of W 43<sup>rd</sup> St and thence extending 303 feet Nly.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having been informed that there is an areaway that is in conflict with the light rail transit project on 5<sup>th</sup> St, now recommends that the portion of Encroachment Permit No. 63040 relating to an areaway in 5<sup>th</sup> St between Marquette Av and the Nicollet Mall be revoked and the City Engineer be directed to order its removal in accordance with the Minneapolis Code of Ordinances, Section 95.50(c).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the City's lease of property at 1100 Hawthorne Av that was utilized as the temporary bus terminal for Greyhound Bus Lines and having been informed that said property is no longer needed by the City and is being sought by the University of St. Thomas for development, now recommends that the proper City officers be authorized to terminate Lease Agreement #13111 with J. W. Distributing previous to the termination date of December 31, 2001.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the following persons be appointed to the Stadium Village Special Service District Advisory Board for terms beginning September 1, 2001 and expiring on August 31, 2003, as provided for in Section 450.90 of the Minneapolis Code of Ordinances:

<b>Applicant</b>	<b>Property Address</b>	<b>Business Name</b>
Dick Bennett	901 Washington Av SE	U Liquors
Sue Jeffers	227 Oak St SE	Stub and Herbs
Brian Liston	900 Washington Av SE	Dinnaken Properties, Inc.
Brad Mateer	602 Washington Av SE	Harvard Market
Keith Mercil	630 Washington Av SE	Mercil Brothers
		Phillips 66
Matt Monchamp	615 Washington Av SE	Radisson Metrodome
Jan Morlock	6 Morrill Hall	University of Minnesota
	100 Church St SE	
Jim Rosvold	818 Washington Av SE	Campus Pizza & Pasta
Steve Scallen	1501 University Av SE	Juno Investments

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the following persons be appointed to the Central Avenue Special Service District Advisory Board with terms beginning September 1, 2001 and expiring on August 31, 2003, as provided for in Section 446.90 of the Minneapolis Code of Ordinances:

<b>Applicant</b>	<b>Property Address</b>	<b>Business Name</b>
Timm Schnabel	2301 Central Av NE	O.E. Larson-Osborne Mortuary
Colleen/Tom Olsen	2423 Central Av NE	Tom's Barber Shop
James Higgins	2214 Central Av NE	Higgins Insurance Agency
Gari Moscatelli	2329 Central Av NE	Wells Fargo
Frank D. Schutta	2414 Central Av NE	Shutta, Nelson & Zembal, Ltd
Larry MacDonald	2503 Central Av NE	Subway
John & Janice Gairy	2014 Central Av NE	Chelsea Productions, Inc.

Majdi M. Wadi                                      2513 Central Av NE                                      Holyland Brand, Inc.  
John Alexander                                      2519 Central Av NE                                      Sullys  
Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration construction of streetscape improvements along Portland Av in conjunction with the Portland Place Project, now recommends that the proper City officers be authorized to execute an agreement with Hennepin County providing that the City shall be reimbursed for said improvements in an amount not to exceed \$250,000, to be applied to the Public Works - Streets & Malls Capital Agency (4100-937-9374).

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration an appeal filed by Washington Lofts, LLC of the decision of the Public Works Engineering Services Division denying a request for an encroachment permit to allow the construction of concrete porches with railing and stair at 801 Washington Av N, now recommends that said appeal be approved and the requested encroachment permit (as contained in Petn No 267276) be issued and that said permit shall include a condition that retail operations cannot be conducted from any units on Washington Av.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration Resolution 81R-361 entitled “Establishing a city-wide stop sign plan and policy”, now recommends passage of the accompanying resolution amending said resolution by deleting language that allows submission of a petition from area residents when installation of a stop sign has been denied by the City Engineer.

Your Committee further recommends that the City Engineer be directed to prepare a decision package for the 2002 budget that would provide for development and implementation of a plan for traffic and pedestrian safety in the area of parks and schools in the City, including equal financial participation of the Park Board and School Board required.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-401**

**By Mead**

**Amending Resolution 81R-361 entitled “Establishing a city-wide stop sign plan and policy”, passed August 28, 1981.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting the fifth resolved clause that reads as follows:

“5. If the City Engineer’s report recommends against installation of the stop sign, then upon receipt of a petition signed by 60% of the households abutting the two principal streets of the affected intersections, the Transportation & Property Services Committee may recommend that the City Council approve the installation of the sign as provided in the ward plan, notwithstanding the City Engineer’s recommendation.”

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001. J. Cherryhomes, President of Council.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the City's contract for yard waste composting services and having been informed that staff is requesting an extension of said contract pending final development of a request for proposals for the services, now recommends that the proper City officers be authorized to extend the City's contract with NRG for yard waste services to not later than November 30, 2001 (including a 30-day termination provision), remaining under the current payment structure.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolutions for the California and Grand Sts NE from 15<sup>th</sup> to 16<sup>th</sup> Avs NE Alley Construction Project, Special Improvement of Existing Street No. FS01#11:

- a. Ordering the work to proceed and adopting the special assessments;
- b. Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project; and
- c. Increasing the Public Works Paving Construction Capital appropriation by \$69,325 to be reimbursed by special assessments.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-402**  
**By Mead & Campbell**

**California and Grand Sts NE from 15<sup>th</sup> to 16<sup>th</sup> Avs NE Alley Construction Project,  
Special Improvement of Existing Street No. FS01#11.**

**Ordering the work to proceed and adopting the special assessments for the California and Grand Sts NE from 15<sup>th</sup> to 16<sup>th</sup> Avs NE Alley Construction Project.**

Whereas, a public hearing was held on August 30, 2001 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2001R-322, passed July 27, 2001 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2001R-322, passed July 27, 2001.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2002 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2002 real estate tax statements.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-403**

**By Mead & Campbell**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$69,325 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the California and Grand Sts NE from 15<sup>th</sup> to 16<sup>th</sup> Aves NE Alley Construction Project, Special Improvement of Existing Street No. FS01#11, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-404**

**By Mead & Campbell**

**Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Paving Construction Capital Agency in the Permanent Improvement Projects Fund (4100-937-9374) by \$69,325 and increasing the revenue source (4100-937-9374-3880) by \$69,325 for the California and Grand Sts NE from 15<sup>th</sup> to 16<sup>th</sup> Aves NE Alley Construction Project to be reimbursed by special assessment.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 267278):

a) OP #5680, low bids submitted as follows to furnish and deliver low density cellular concrete as needed through July 1, 2002:

Midwest Cellular Concrete for an estimated expenditure of \$20,000;

Cemstone Products Company for an estimated expenditure of \$40,000;

b) OP #5685, second low bid of Barton Sand and Gravel Company for an estimated expenditure of \$325,000 to furnish and deliver select granular borrow for the Near Northside Project;

c) OP #5688, low bid of EJM Pipe Services, Inc. in the amount of \$72,430.65 to furnish and install steel casing pipe;

d) OP #5689, bid of Nadeau Utility, Inc. in the amount of \$172,950 to accomplish railroad track slab improvements at the Fridley Water Plant;

e) OP #5694, bid of Lino Lakes Landscaping, Inc. for an estimated expenditure of \$125,000 to furnish all labor, materials, equipment and incidentals necessary for turf establishment and maintenance;

f) OP #5699, low bid of Global Specialty Contractors, Inc. in the amount of \$601,793.45 to accomplish the Third Av S, Avenue of the Arts Streetscape Project.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 14, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published September 18, 2001)

**T&PW & W&M/Budget** – Your Committee, having under consideration a request from the Tangletown Neighborhood Association to install eleven low-level lights on the Nicollet Av bridge over Minnehaha Creek, widen the bridge sidewalk and create visual gateways on the bridge, now recommends:

a. Passage of the accompanying resolution appropriating funds for said improvements, to be reimbursed by Tangletown Neighborhood NRP funds (including unexpended funds from a previous Tangletown/Public Works project);

b. That the proper City officers be directed to apply to the State of Minnesota for a variance to Municipal State Aid (MSA) rules to allow the sidewalk to be widened; and

c. That the proper City officers be authorized to execute and/or amend the appropriate contracts in order to be able to fully utilize Phase I NRP funds from the Tangletown Neighborhood for the project.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-405**

**By Mead & Campbell**

#### **Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a. Increasing the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9432) by \$33,000 and increasing the revenue source (4100-943-9432 - Source 3845) by \$33,000;

b. Decreasing the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9464) by \$5,039 and decreasing the revenue source (4100-943-9432 - Source 3845) by \$5,039;

c. Increasing the PW - Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9386) by \$109,133 and increasing the revenue source (4100-937-9386- Source 3845) by \$109,133.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell gave notice of intent to discharge the Ways & Means/Budget Committee from further consideration of the Minneapolis Refuse, Inc. (MRI) contract at the next regular City Council meeting on September 28, 2001, if that Committee has not taken action on the matter.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the Council on Crime and Justice to provide victim/witness liaison services to assist victims of crime and meet the City's statutory obligations, for the period from January 1, 2002 through December 31, 2004, for a three-year total amount not to exceed \$862,604, payable from the City Attorney Agency in the General Fund (0100-140-1410).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of various change orders to the following contracts for additional work required on the Convention Center Expansion Project, with increased costs to be payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #1 to Contract #15186 with Impulse Group, Inc., increasing said contract by \$72,927, for a new contract total of \$8,558,362;

b) Change Order #2 to Contract #15186 with Impulse Group, Inc., increasing said contract by \$7,780, for a new contract total of \$8,566,142;

c) Change Order #3 to Contract #15224 with Premier Electrical Corporation, increasing said contract by \$428,008, for a new contract total of \$15,475,508;

d) Change Order #4 to Contract #15235 with Minuti-Ogle Company, Inc., increasing said contract by \$122,454, for a new contract total of \$9,897,530;

e) Change Order #4 to Contract #14689 with W. L. Hall Company, increasing said contract by \$16,782, for a new contract total of \$1,921,996;

f) Change Order #7 to Contract #15236 with Harris Mechanical, increasing said contract by \$163,857, for a new contract total of \$16,865,782;

g) Change Order #7 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$91,953, for a new contract total of \$18,415,872;

h) Change Order #8 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$83,464, for a new contract total of \$18,499,336; and

i) Change Order #8 to Contract #14277 with Havens Steel Company, increasing said contract by \$48,062, for a new contract total of \$21,052,802.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 14, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published September 18, 2001)

**W&M/Budget** - Your Committee recommends approval to continue City participation in the Local Housing Incentives Account Program, which ensures City eligibility for grant programs administered by the Metropolitan Council.

Your Committee further recommends passage of the accompanying resolution electing to continue participating in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act for the Calendar Year 2002.

Your Committee further recommends that staff be directed to submit said resolution to the Metropolitan Council by the deadline of November 15, 2001.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-406**

**By Campbell**

**Electing to continue participating in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act for the Calendar Year 2002.**

Whereas, the Metropolitan Livable Communities Act (Minnesota Statutes, Section 473.25 to 473.254) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes, Section 473.121; and

Whereas, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account, the Local Housing Incentives Account and the Inclusionary Housing Account is intended to provide certain funding and other assistance to metropolitan area municipalities; and

Whereas, a metropolitan area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Trade and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program, under Minnesota Statutes, Section 473.254; and

Whereas, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council, as provided in the adopted Metropolitan Development Guide; and

Whereas, each municipality must identify to the Metropolitan Council the actions the municipality plans to take to meet the established housing goals through preparation of the Housing Action Plan; and

Whereas, the Metropolitan Council adopted, by resolution after a public hearing, negotiated affordable and life-cycle housing goals for each participating municipality; and

Whereas, a metropolitan area municipality which elects to participate in the Local Housing Incentives Account Program must do so by November 15 of each year; and

Whereas, for calendar year 2002, a metropolitan area municipality that participated in the Local Housing Incentives Account Program during the calendar year 2001, can continue to participate under Minnesota Statutes, Section 473.254 if: a) the municipality elects to participate in the Local Housing Incentives Account Program by November 15, 2001; and b) the Metropolitan Council and the municipality have successfully negotiated affordable and life-cycle housing goals for the municipality;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act during the calendar year 2002.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget -** Your Committee recommends acceptance of \$2,500 from the Minneapolis Foundation to support the Minneapolis Empowerment Zone Strategic Visioning Conference held on September 7, 2001.

Your Committee further recommends passage of the accompanying Resolution increasing the City Coordinator Agency appropriation and revenue estimate by \$2,500.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.



**RESOLUTION 2001R-407**

**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the City Coordinator Agency in the Grants - Other Fund (0600-840-8460) by \$2,500, and increasing the City Coordinator Agency revenue estimate in the Grants - Other Fund (0600-840-8460-Source 3720) by \$2,500.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends full, final and complete settlement of the Workers' Compensation claims of Gary Kramer, in the amount of \$138,000 (excluding future medical expenses), payable from the Workers' Compensation Agency in the Self-Insurance Fund (6900-145-1451).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to start Mohamedraza Lahka at Step 5 of the Accountant II salary schedule in the Managerial Accounting and Budget Unit of the Finance Department, based on education, skills and related experience.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the labor agreement settlement with the Minneapolis Public Works Engineers' Association, as more fully set forth in Petn No 267286 on file in the Office of the City Clerk.

Your Committee further recommends that the proper City officers be authorized to execute the following two contracts to reflect the terms of said labor agreement:

a) One-year contractual agreement, effective January 1, 2000 through December 31, 2000; and

b) Three-year contractual agreement, effective January 1, 2001 through December 31, 2003.

Your Committee further recommends passage of the accompanying Salary Ordinances providing for implementation of salary adjustments, as set forth in said labor agreement:

1) Salary Ordinance for the period from January 1, 2000 through December 31, 2000; and

2) Salary Ordinance for the period from January 1, 2001 through December 31, 2003.

Your Committee further recommends that summary publication of the above-described Salary Ordinance be authorized.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-108, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the labor agreement settlement with the Minneapolis Public Works Engineers' Association for 2000, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-108  
By Campbell  
1st & 2nd Readings: 9/14/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

**PUBLIC WORKS ENGINEERS' ASSOCIATION (CEN)  
Effective: January 1, 2000**

Job Code	FLSA OTC	CLASSIFICATION Classification title	P	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
<b>Group I</b>										
00740C	E1	Asst. Director, Operations	B	2,674	2,807	2,947	3,095	3,250	3,412	
00780C	E4	Asst. Director, Transportation	B	2,451	2,579	2,716	2,862	3,017	3,176	
03980C	E4	Engineer II	B	1,760	1,893	1,993	2,100	2,210	2,331	2,458
04000C	E1	Engineer III	B	2,315	2,442	2,571	2,707	2,858	3,010	
03990C	E4	Engineer 2 1/2	B	2,141	2,249	2,361	2,478	2,603	2,736	
07890C	E4	Plan Examiner II, Structural								
		Engineer	B	1,760	1,893	1,993	2,100	2,210	2,331	2,458
09440C	E4	Street Maintenance Engineer	B	2,451	2,579	2,716	2,862	3,017	3,176	
09750C	E4	Supertndt, Environmental Engineering	B	2,451	2,579	2,716	2,862	3,017	3,176	
09790C	E4	Supertndt, Water Plant Operations	B	2,451	2,579	2,716	2,862	3,017	3,176	
10310C	E4	Supervisor, Trades Plan Review/Insp	B	2,315	2,442	2,571	2,707	2,858	3,010	
<b>Group II (Appointed)</b>										
C03240	E1	Director, Engin. Design & Planning	B	2,730	2,872	3,027	3,191	3,365	3,546	
C03245	E1	Director, Engineering Operations	B	2,825	2,979	3,139	3,307	3,487	3,674	
C03260	E4	Director, Equipment Services	B	2,730	2,872	3,027	3,191	3,365	3,546	
C03310	E1	Director, General Services	B	2,730	2,872	3,027	3,191	3,365	3,546	
C03350	E1	Director, Inspections	B	2,739	2,889	3,044	3,207	3,380	3,565	
C03535	E1	Director, Traffic Engineering	B	2,730	2,872	3,027	3,191	3,365	3,546	
C03540	E1	Director, Water Works	B	2,825	2,979	3,139	3,307	3,487	3,674	

Provided that employees in this section shall receive the following longevity

These payments shall be based on a maximum of 80 hours bi-weekly:

\$16.46 bi-weekly longevity additional at the beginning of the 10th year of service.

\$23.08 bi-weekly longevity additional at the beginning of the 15th year of service.

\$28.00 bi-weekly longevity additional at the beginning of the 20th year of service.

\$32.96 bi-weekly longevity additional at the beginning of the 25th year of service.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-109, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the labor agreement settlement with the Minneapolis Public Works Engineers' Association for 2001, 2002, and 2003, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-109**  
**By Campbell**  
**1st & 2nd Readings: 9/14/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

**PUBLIC WORKS ENGINEERS' ASSOCIATION (CEN)**  
**Effective: January 1, 2001**

Job Code	FLSA OTC	CLASSIFICATION Classification title	P	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
<b>Group I</b>										
00740C	E1	Asst. Director, Operations	B	2,758	2,895	3,040	3,193	3,352	3,520	
00780C	E4	Asst. Director, Transportation	B	2,529	2,660	2,802	2,953	3,112	3,276	
03980C	E4	Engineer II	B	1,816	1,953	2,056	2,166	2,280	2,404	2,535
04000C	E1	Engineer III	B	2,388	2,519	2,652	2,792	2,948	3,104	
03990C	E4	Engineer 2 1/2	B	2,209	2,319	2,435	2,556	2,685	2,822	
07890C	E4	Plan Examiner II, Structural								
		Engineer	B	1,816	1,953	2,056	2,166	2,280	2,404	2,535
09440C	E4	Street Maintenance								
		Engineer	B	2,529	2,660	2,802	2,953	3,112	3,276	
09750C	E4	Supertndt, Environmental								
		Engineering	B	2,529	2,660	2,802	2,953	3,112	3,276	
09790C	E4	Supertndt, Water								
		Plant Operations	B	2,529	2,660	2,802	2,953	3,112	3,276	
10310C	E4	Supervisor, Trades								
		Plan Review/Insp	B	2,388	2,519	2,652	2,792	2,948	3,104	
<b>Group II (Appointed)</b>										
C03240	E1	Director, Engin. Design & Planning	B	2,815	2,962	3,123	3,291	3,471	3,658	
C03245	E1	Director, Engineering Operations	B	2,914	3,073	3,238	3,412	3,596	3,790	

C03260	E4	Director, Equipment Services	B	2,815	2,962	3,123	3,291	3,471	3,658
C03310	E1	Director, General Services	B	2,815	2,962	3,123	3,291	3,471	3,658
C03350	E1	Director, Inspections	B	2,825	2,980	3,140	3,308	3,487	3,677
C03535	E1	Director, Traffic Engineering	B	2,815	2,962	3,123	3,291	3,471	3,658
C03540	E1	Director, Water Works	B	2,914	3,073	3,238	3,412	3,596	3,790

Provided that employees in this section shall receive the following longevity.

These payments shall be based on a maximum of 80 hours bi-weekly:

\$16.96 bi-weekly longevity additional at the beginning of the 10th year of service.

\$23.81 bi-weekly longevity additional at the beginning of the 15th year of service.

\$28.88 bi-weekly longevity additional at the beginning of the 20th year of service.

\$34.00 bi-weekly longevity additional at the beginning of the 25th year of service.

\* The wage for all new hires will be reduced by 4% for the first 6 months of employment and thereafter follow section 9.07 of this contract.

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

**PUBLIC WORKS ENGINEERS' ASSOCIATION (CEN)**

**Effective: January 1, 2002**

Job Code	FLSA OTC	CLASSIFICATION Classification title	P	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
<b>Group I</b>										
00740C	E1	Asst. Director, Operations	B	2,875	3,018	3,169	3,329	3,494	3,670	
00780C	E4	Asst. Director, Transportation	B	2,636	2,773	2,921	3,079	3,244	3,415	
03980C	E4	Engineer II	B	1,893	2,036	2,143	2,258	2,377	2,506	2,643
04000C	E1	Engineer III	B	2,489	2,626	2,765	2,911	3,073	3,236	
03990C	E4	Engineer 2 1/2	B	2,303	2,418	2,538	2,665	2,799	2,942	
07890C	E4	Plan Examiner II, Structural Engineer	B	1,893	2,036	2,143	2,258	2,377	2,506	2,643
09440C	E4	Street Maintenance Engineer	B	2,636	2,773	2,921	3,079	3,244	3,415	
09750C	E4	Supertndt, Environmental Engineering	B	2,636	2,773	2,921	3,079	3,244	3,415	
09790C	E4	Supertndt, Water Plant Operations	B	2,636	2,773	2,921	3,079	3,244	3,415	
10310C	E4	Supervisor, Trades Plan Review/Insp	B	2,489	2,626	2,765	2,911	3,073	3,236	
<b>Group II (Appointed)</b>										
C03240	E1	Director, Engin. Design & Planning	B	2,906	3,058	3,224	3,398	3,584	3,777	
C03245	E1	Director, Engineering Operations	B	3,009	3,173	3,343	3,523	3,713	3,913	
C03260	E4	Director, Equipment Services	B	2,906	3,058	3,224	3,398	3,584	3,777	
C03310	E1	Director, General Services	B	2,906	3,058	3,224	3,398	3,584	3,777	

## SEPTEMBER 14, 2001

C03350	E1	Director, Inspections	B	2,917	3,077	3,242	3,416	3,600	3,797
C03535	E1	Director, Traffic Engineering	B	2,906	3,058	3,224	3,398	3,584	3,777
C03540	E1	Director, Water Works	B	3,009	3,173	3,343	3,523	3,713	3,913

Provided that employees in this section shall receive the following longevity.

These payments shall be based on a maximum of 80 hours bi-weekly:

\$17.50 bi-weekly longevity additional at the beginning of the 10th year of service.

\$24.58 bi-weekly longevity additional at the beginning of the 15th year of service.

\$29.81 bi-weekly longevity additional at the beginning of the 20th year of service.

\$35.12 bi-weekly longevity additional at the beginning of the 25th year of service.

\* The wage for all new hires will be reduced by 4% for the first 6 months of employment and thereafter follow section 9.07 of this contract.

Section 3: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

### **PUBLIC WORKS ENGINEERS' ASSOCIATION (CEN)**

**Effective: January 1, 2003**

Job Code Group I	FLSA OTC	CLASSIFICATION Classification title	P	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
00740C	E1	Asst. Director, Operations	B	2,969	3,118	3,274	3,437	3,609	3,790	3,979
00780C	E4	Asst. Director, Transportation	B	2,762	2,901	3,046	3,198	3,358	3,526	3,702
03980C	E4	Engineer II	B	2,138	2,245	2,357	2,475	2,599	2,729	2,865
04000C	E1	Engineer III	B	2,618	2,749	2,886	3,030	3,182	3,341	3,508
03990C	E4	Engineer 2 1/2	B	2,380	2,499	2,624	2,755	2,893	3,037	3,189
07890C	E4	Plan Examiner II, Structural Engineer	B	2,138	2,245	2,357	2,475	2,599	2,729	2,865
09440C	E4	Street Maintenance Engineer	B	2,762	2,901	3,046	3,198	3,358	3,526	3,702
09750C	E4	Supertndt, Environmental Engineering	B	2,762	2,901	3,046	3,198	3,358	3,526	3,702
09790C	E4	Supertndt, Water Plant Operations	B	2,762	2,901	3,046	3,198	3,358	3,526	3,702
10310C	E4	Supervisor, Trades Plan Review/Insp	B	2,618	2,749	2,886	3,030	3,182	3,341	3,508

Provided that employees in this section shall receive the following longevity

These payments shall be based on a maximum of 80 hours bi-weekly:

\$18.08 bi-weekly longevity additional at the beginning of the 10th year of service.

\$25.38 bi-weekly longevity additional at the beginning of the 15th year of service.

\$30.77 bi-weekly longevity additional at the beginning of the 20th year of service.

\$36.27 bi-weekly longevity additional at the beginning of the 25th year of service.

\* The wage for all new hires will be reduced by 4% for the first 6 months of employment and thereafter follow section 9.07 of this contract.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the formula adjustments for the Minneapolis Building and Construction Trades Council for the third year of their negotiated contract, equalizing the City's pay and benefits with outside union negotiated pay and benefits.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of formula adjustments, effective May 1, 2001.

Your Committee further recommends that summary publication of the above-described Salary Ordinance be authorized.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-110, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the formula adjustments for the Minneapolis Building and Construction Trades Council for the third year of their negotiated contract, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-110**  
**By Campbell**  
**1st & 2nd Readings 9/14/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

20.10.01. Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective May 1, June 4, July 1, and July 29, 2001, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective May 1, 2001:

**BUILDING TRADES (CBT) Effective May 1, 2001**  
**Group I (Permanent):**

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate
N	2	01400C	Bricklayer	H	26.32	32.90

Provided that when working on a swing stage, a Bricklayer shall receive an additional 55 cents per hour.

N	2	01510C	Carpenter	H	25.72	32.22
---	---	--------	-----------	---	-------	-------

Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.

N	2	07780C	Pipefitter	H	29.29	36.33
N	2	07770C	Pipefitter/ Instrumentation	H	29.29	36.33
N	2	08030C	Plumber	H	28.77	35.74
N	2	08010C	Plumber/Welder	H	28.77	35.74
N	2	09190C	Sheet Metal Worker	H	28.89	35.88

FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
N	2	04530C	Foreman, Bricklayer	H	27.41	27.68	27.96	28.25	28.53	28.82
N	2	04560C	Foreman, Carpenter	H	26.12	26.39	26.65	26.92	27.20	27.47
N	2	04830C	Foreman, Pipefitter	H	29.99	30.30	30.60	30.91	31.22	31.54
N	2	04832C	Foreman, Pipefitter/ Instrumentation	H	29.99	30.30	30.60	30.91	31.22	31.54
N	2	04840C	Foreman, Plumber	H	29.79	30.09	30.39	30.70	31.01	31.32
N	2	04860C	Foreman, Plumber/ Welder	H	29.79	30.09	30.39	30.70	31.01	31.32
N	2	04850C	Foreman, Plumber Master in charge	H	29.79	30.09	30.39	30.70	31.01	31.32
N	2	04940C	Foreman, Sheet Metal Worker	H	29.38	29.67	29.97	30.28	30.58	30.89

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective July 1, 2001:

**BUILDING TRADES (CBT) Effective July 1, 2001**

**Group I (Permanent Employees Continued):**

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate
N	2	05760C	Iron Worker	H	29.22	36.25

FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
N	2	04680C	Foreman, Iron Worker	H	29.69	29.99	30.29	30.60	30.91	31.22

Section 3. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective July 29, 2001:

**BUILDING TRADES (CBT) Effective July 29, 2001**

**Group I (Permanent):**

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate
N	2	07350C	Painter	H	25.82	32.33

Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblasting, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour.

Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate
N	2	05940C	Lacquer and Varnish Machine Operator	H	25.82	32.33

Provided that when a Lacquer and Varnish Machine Operator is spray painting, he/she shall receive an additional 75 cents per hour.

Provided further that Painters, when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m., shall receive an additional 18.75% premium.

FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
N	2	04760C	Foreman, Painter	H	25.51	25.76	26.02	26.29	26.55	26.82
N	2	05010C	Foreman, Painter-Traffic	H	25.51	25.76	26.02	26.29	26.55	26.82

Section 4. That the following classifications in Section 20.10.01 of the above entitled-ordinance be amended to make the following changes effective May 1, 2001:

**CBT - Effective May 1, 2001**

**Group II (Temporary):**

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91100	Bricklayer(temporary)	H	24.69	2.68	8.09	37.04

Provided that when working on a swing stage, he/she shall receive an additional 55 cents per hour.

N	2	C91900	Pipefitter (temporary)	H	26.86	2.91	9.46	
N	2	C91950	Pipefitter/Instrumentation (temporary)	H	26.86	2.91	9.46	
N	2	C91110	Foreman, Bricklayer (temporary)	H	27.19	2.68	8.09	40.79
N	2	C91960	Foreman, Pipefitter (temporary)	H	29.11	2.91	9.46	
N	2	C91955	Foreman, Pipefitter/Instrumentation (temp)	H	29.11	2.91	9.46	
N	2	C92000	Plumber, Plumber/Welder (temporary)	H	24.65	4.30	9.66	
N	2	C92060	Foreman, Plumber, Plumber/Welder (temp)	H	27.20	4.30	9.66	
N	2	C92070	Foreman, Plumber Master in charge (temp)	H	28.20	4.30	9.66	
N	2	C92150	Sheet Metal Worker (temporary)	H	26.16	2.10	10.56	39.24
N	2	C92160	Foreman, Sheet Metal Worker (temp)	H	28.16	2.10	10.56	42.24

**CBT - Effective May 1, 2001**

**Group II (Temporary) continued:**

**OVERTIME RATES:**

N	2	C91900	Pipefitter (temporary)	H	40.29	4.37	14.19	
N	2	C91950	Pipefitter/Instrumentation (temporary)	H	40.29	4.37	14.19	



## SEPTEMBER 14, 2001

N	2	C91960	Foreman, Pipefitter (temporary)	H	43.67	4.37	14.19
N	2	C91955	Foreman, Pipefitter/Instrumentation (temp)	H	43.67	4.37	14.19
N	2	C92000	Plumber, Plumber/Welder (temporary)	H	36.98	6.45	14.49
N	2	C92060	Foreman, Plumber, Plumber/Welder (temp)	H	40.80	6.45	14.49
N	2	C92070	Foreman, Plumber Master in charge (temp)	H	42.30	6.45	14.49

Section 5. That the following classifications in Section 20.10.01 of the above entitled-ordinance be amended to make the following changes effective June 4, 2001:

### CBT - Effective June 4, 2001 - WITH BACKPAY PROVISION (SEE BELOW)

#### Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91150	Carpenter(temporary)	H	25.24	1.82	7.63	37.86

Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.

N	2	C91160	Foreman, Carpenter (temporary)	H	26.99	1.82	7.63	40.49
---	---	--------	--------------------------------	---	-------	------	------	-------

BACKPAY PROVISION: Provided that all carpenters, including foremen, shall be paid \$1.85/ hour backpay for all hours worked between May 1, 2001, and June 4, 2001.

Section 6. That the following classifications in Section 20.10.01 of the above entitled-ordinance be amended to make the following changes effective July 1, 2001:

### CBT - Effective July 1, 2001

#### Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91830	Iron Worker (temporary)	H	25.80	2.65	10.79	42.68
N	2	C91835	Foreman, Iron Worker (temporary)	H	27.80	2.65	10.79	41.70

Section 7. That the following classifications in Section 20.10.01 of the above entitled-ordinance be amended to make the following changes effective July 29, 2001:

### CBT - Effective July 29, 2001

#### Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91850	Painter (temporary)	H	24.50	1.00	9.44	36.75

Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblasting, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour.

Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.

N	2	C91860	Foreman, Painter (temporary)	H	25.50	1.00	9.44	38.25
N	2	C91860	Foreman, Painter-Traffic (temporary)	H	25.50	1.00	9.44	38.25

Provided that new temporary trades personnel, and temporary trades personnel currently on the city payroll not vested in PERA, shall be included in the program to send benefit funds to the Building Trades Trust Funds.

**CBT - Effective May 1, 2001**  
**Group II (Temporary) continued:**

**Apprentice**

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

		<b>Hourly Wage Rates</b>				
		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	
		<b>1st 1000 hours</b>	<b>2nd 1000 hours</b>	<b>3rd 1000 hours</b>	<b>4th 1000 hours</b>	
<b>Bricklayer</b>	Hourly/Vac. (Taxable)	12.35/2.68	13.58/2.68	16.05/2.68	18.52/2.68	
	Non-taxable Fringe	8.09	8.09	8.09	8.09	
		<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>
		<b>5th 1000 hours</b>	<b>6th 1000 hours</b>	<b>7th 1000 hours</b>	<b>8th 1000 hours</b>	<b>8000+ hours</b>
		20.99/2.68	23.46/2.68			
		8.09	8.09			
<b>Sheet Metal Worker</b>						
<b>Started After 5/1/99</b>	Hourly/Vac. (Taxable)	13.52/1.18	14.65/1.18	15.78/1.18	16.91/1.18	
	Non-taxable Fringe	10.56	10.56	10.56	10.56	
		18.04/1.18	19.17/1.18	20.02/1.18	21.15/1.18	24.25/1.18
		10.56	10.56	10.56	10.56	10.56
		<b>First Year</b>	<b>Second Year</b>	<b>Third Year</b>	<b>Fourth Year</b>	<b>Fifth Year</b>
<b>Plumber</b>	Hourly/Vac. (Taxable)	11.09/1.65	13.56/1.65	16.02/1.65	18.49/1.65	20.95/1.65
	Non-taxable Fringe	6.45	6.45	6.45	6.45	6.45
		<b>First Year</b>	<b>Second Year</b>	<b>Third Year</b>	<b>Fourth Year</b>	<b>Fifth Year</b>
<b>Pipefitter</b>	Hourly/Vac. (Taxable)	13.97/2.91	17.13/2.91	19.49/2.91	22.25/2.91	25.02/2.91
	Non-taxable Fringe	7.41	7.41	7.41	7.41	7.41

**CBT - Effective June 4, 2001**  
**Group II (Temporary) continued:**

**Apprentice**

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

# SEPTEMBER 14, 2001

		Hourly Wage Rates				
Carpenter		Step 1	Step 2	Step 3	Step 4	Step 5
		1st 1000 hours	2nd 1000 hours	3rd 1000 hours	4th 1000 hours	5th 1000 hours
	Hourly/Vac. (Taxable)	11.48/.64	14.00/.64	15.27/.64	16.53/.64	17.79/.64
	Non-taxable	3.43	3.43	3.43	3.43	3.43
	Fringe					
		Step 6	Step 7			
		6th 1000 hours	7th 1000 hours			
		19.05/.64	20.31/.64			
		4.43	4.43			

**CBT - Effective July 1, 2001**

**Group II (Temporary) continued:**

## Apprentice

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

		Hourly Wage Rates				
Iron Worker		1st - 6 months	2nd - 6 months	3rd - 6 months	4th - 6 months	5th - 6 months
	Hourly/Vac. (Taxable)	17.27/2.65	18.69/2.65	20.11/2.65	21.53/2.65	22.96/2.65
	Non-taxable	10.79	10.79	10.79	10.79	10.79
	Fringe					
		6th - 6 months				
		24.38/2.65				
		10.79				

**CBT - Effective July 29, 2001**

**Group II (Temporary) continued:**

## Apprentice

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

		Hourly Wage Rates				
Painter Started After 5/1/98		Step 1	Step 2	Step 3	Step 4	Step 5
		1st 1000 hours	2nd 1000 hours	3rd 1000 hours	4th 1000 hours	5th 1000 hours
	Hourly/Vac. (Taxable)	12.25/.81	13.48/1.34	14.70/1.37	17.15/1.43	19.60/1.49
	Non-taxable	7.89	7.89	7.89	7.89	7.89
	Fringe					
		Step 6	Step 7			
	6th 1000 hours	7th 1000 hours				
	22.05/1.55	24.50/1.61				
	7.89	9.44				
Painter Started After 6/1/01		Step 1	Step 2	Step 3	Step 4	Step 5
		0 - 2000 hours	2001-4000 hours	4001-5000 hours	5001-6000 hours	6000+ hours
	Hourly/Vac. (Taxable)	14.70/1.37	17.15/1.43	19.60/1.49	22.05/1.55	24.50/1.61
	Non-taxable	7.10	7.10	7.10	7.10	9.44
	Fringe					

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001. J. Cherryhomes, President of Council.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to classify a new position as Litigation Analyst, allocated to Grade 8 of the Staff Assistance Promotional Line, as a reclassification for the vacant Liability Investigator position in the City Attorney's Office.

Your Committee further recommends passage of the accompanying Salary Ordinance, effective August 15, 2001.

Your Committee further recommends that summary publication of the above-described Salary Ordinance be authorized.

Adopted. Yeas, 12; Nays none.  
Passed September 14, 2001.  
Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-111, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, classifying a new position as Litigation Analyst in the City Attorney's Office, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-111**  
**By Campbell**  
**1st & 2nd Readings: 9/14/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2000:

20.10.01. Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of August 15, 2001 and January 1, 2002, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be hourly or annual rates unless stated otherwise.

**AFSCME LOCAL 9 (CAF)**  
**Effective August 15, 2001**

Job Code	Salary Grade	FLSA OTC	Classification title	P	3-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
06380C	8	N2	Litigation Analyst	H	18.320	19.489	20.515	21.595	22.732	23.928	25.187	26.513

**AFSCME LOCAL 9 (CAF)**  
**Effective January 1, 2002**

Job Code	Salary Grade	FLSA OTC	Classification title	P	3-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
06380C	8	N2	Litigation Analyst	H	18.915	20.122	21.182	22.297	23.471	24.706	26.006	27.375

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to start Ilena Lonetti at Step 4 of the salary scale for the Manager, Information Technology Services position, based on current skills and related technical experience.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends execution of amendments to the following contracts relating to the second segment of Phase III (institutionalization and completion) of the Geographic Information System (GIS) 2000 Program, extending said contracts from August 1, 2001 through December 31, 2001 and increasing those contracts as indicated:

a) Amendment #2 to Contract #16005 with Oracle Corporation, increasing said contract by \$565,000, for a new contract total of \$1,550,000, payable from Strategic Information System Planning (SISP) Projects in the Permanent Improvement Projects Fund (4100-972-M00SP951 and 4100-972-M00SP600);

b) Amendment #5 to Contract #13194 with EMA Services, Inc., increasing said contract by \$535,000, for a new contract total of \$3,500,000, payable from Strategic Information System Planning (SISP) Projects in the Permanent Improvement Projects Fund (4100-972-M00SP070 and 4100-972-M00SP951); and

c) Amendment #2 to Contract #16220 with ESRI Corporation, with no increase in the contract amount, payable from Strategic Information System Planning (SISP) Projects in the Permanent Improvement Projects Fund (4100-972-M00SP070 and 4100-972-M00SP951).

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #5692 (Petn No 267289), submitted by Winslow Printing Company, in the amount of \$66,109.22, for printing and delivering 2002 City of Minneapolis calendars and snow emergency inserts, in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute the necessary contract(s) for the above projects and/or services.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal of Martha Yunker and Loren Ahles from the decision of the Board of Adjustment granting the application of Stephanie Peterson for variances of the front and west side yard setbacks, to 17 ft 6 inches and 3.9 ft respectively, to allow

construction of a two-story addition partially over an attached garage at 3308 W 34-1/2 St (V-0376), and having conducted a public hearing thereon, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Planning Department staff and set forth in Petn No 267292 be adopted.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Patrick and Lisa Denzer from the Board of Adjustment decision a) denying their application for a variance to increase the maximum total area of an accessory structure and a structure for the parking of vehicles from 676 sq ft to 1,125 sq ft to allow a new, 672 sq ft, detached garage and an attached garage; and b) approving their application for a variance to increase the height of the detached garage from 12 ft to 16 ft at the midpoint on condition that the bathroom be removed from the garage design, all at 2706 W Lake of the Isles Parkway (Z-193), and having conducted a public hearing thereon, now recommends that the appeal be granted, that the variance to increase the maximum area of an accessory structure and a structure for the parking of vehicles to 1125 sq ft be approved, and that the condition prohibiting a bathroom be deleted from the variance of maximum garage height, with the understanding that the Denzers will file a declaration in the property records that the detached garage will never be used as rental property, notwithstanding the decision of the Board of Adjustment. (Petn No 267292)

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Colvin Roy, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Nays - McDonald.

Passed September 14, 2001.

Approved September 14, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published September 18, 2001)

**Z & P** - Your Committee, having under consideration the application of Broadway Food & Deli (Eddie Bakri) for a waiver from Interim Ordinance 2001-Or-027 providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along W Broadway Av from City limits on the west to the intersection of W Broadway and Girard Avs on the east, extending 150 ft on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Avs, passed March 2, 2001, to allow the addition of two gas pumps to the existing gas/convenience grocery store at 1905 W Broadway and to move the parking area of the store, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department staff and set forth in Petn No 267294 be adopted and that said waiver be granted upon condition that a site plan approval is required before any physical changes to the site are made.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Prima Land Company (BZZ-42) to rezone property at 3608 Chicago Av S from the R5 to the R4 district to permit construction of a single family dwelling, now concurs in the recommendation of the Planning Commission to adopt the related findings set forth in Petn No 267294 and to approve said application. (64429).

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code and publication of the ordinance in summary form.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-112, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3608 Chicago Av S to the R4 district, was passed September 14, 2001 by the City Council and approved September 20, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-112**  
**By McDonald**  
**1st & 2nd Readings: 9/14/2001**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 3, Block 1, Henry Morses addition to Minneapolis (3608 Chicago Av S - Plate 26) to the R4 District.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the Update to the Historic Mills District Master Plan dated March 2001 (Update), the Staff Report summarizing comments received during the review period, dated July 31, 2001, and the Report of the City Planning Commission of August 20, 2001, all set forth in Petn No 267293, now concurs in the recommendation of the Planning Commission, as follows:

1. To approve and adopt the Update as a small area plan for the "Approval Area" designated in Figure 5, page 6 of the Update for the purposes of a) guiding and evaluating existing and new development projects as they move forward in the Area, which is part of Downtown Minneapolis, and b) establishing the need for further study and evaluation of overall transportation issues in Downtown Minneapolis.

The Approval Area consists of the area bounded by 3rd Av S, Washington Av S, 11th Av S and the Mississippi River, plus the 2 blocks of public right-of-way on Chicago Av between Washington Av and 4th St S, and the 2 blocks of public right-of-way on Washington Av between 11th Av S and I-35W.

2. To direct staff to incorporate the revisions in "List of Recommended Technical Changes And Clarifications" set forth in the Staff Report.

3. To approve staff recommendations as set forth in the Report of the City Planning Commission, which recommendations are based on but not completely identical with the "Substantive Comments For Specific Consideration" in the Staff Report.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends granting the application of Penny Woods for a special permit to allow temporary relocation of The Free Store to 1004 E Franklin Av, notwithstanding the Zoning Code, on condition that the temporary occupancy not extend beyond May 2002. (#2001-121).

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Goodman, Colvin Roy, McDonald, Mead, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Nays - Lane.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends not granting the application of Akinyee Akinsanya for a special permit to begin construction of a new home at 1401 Thomas Av N prior to obtaining approval of required variance. (#2001-125).

Adopted. Yeas, 12; Nays none.

Council Vice President and President pro tem Biernat assumed the Chair.

Cherryhomes moved that the above report be reconsidered. Seconded.

Adopted upon a voice vote.

Cherryhomes moved that the report be amended by deleting the word "not" after the word "recommends". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, Colvin Roy, McDonald, Johnson, Thurber, Campbell, Niland, Cherryhomes, Biernat.

Nays - Mead, Lane, Ostrow.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends forwarding without recommendation the application of Wesley Construction Inc for a special permit to begin construction of a single family dwelling at 1101-09 Humboldt Av N prior to obtaining approval of required variances but with the understanding that the site will be restored to its previous state if the approval is not obtained, notwithstanding the Zoning Code. (#2001-126).

Mead moved that the report be amended to deny the application. Seconded.

Lost. Yeas, 4; Nays, 8; as follows:

Yeas - McDonald, Mead, Lane, Ostrow.

Nays - Goodman, Colvin Roy, Johnson, Thurber, Campbell, Niland, Cherryhomes, Biernat.

Cherryhomes moved that the report be amended to grant the application. Seconded. Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, Colvin Roy, McDonald, Johnson, Thurber, Campbell, Niland, Cherryhomes, Biernat.

Nays - Mead, Lane, Ostrow.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Council President Cherryhomes resumed the chair.



**MOTIONS**

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2001, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Nonie Heystek for a residential block event to be held Saturday, September 8, 2001, between the hours of 4:00 and 10:00 p.m. on Washburn Avenue South between 44th and 45th Streets West, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to waive the 14 day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Hendrik V. George for a residential block event to be held Thursday, September 6, 2001, between the hours of 4:00 p.m. and 10:00 p.m. on 34th Street West between Girard and Hennepin Avenues, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Mead moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Steven Dwyer for a residential block event to be held Saturday, September 8, 2001, between the hours of 2:00 p.m. and 10:00 p.m. on Blaisdell Avenue South between 56th and 57th Streets West, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Mead moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Marla Tipping for a residential block event to be held Tuesday, September 11, 2001, between the hours of 6:00 p.m. and 9:00 p.m. on Belmont Avenue South between 50<sup>th</sup> Street and Prospect Avenue South, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Mead moved that the Transportation & Public Works Committee report passed by the Council on March 23, 2001, authorizing execution of a contract for engineering consulting services for a computerized maintenance management system for the Minneapolis Water Works be amended to reflect that the contract shall be executed with Camp, Dresser & McKee, Inc. in an amount not to exceed \$250,000.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 14, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published September 18, 2001)

McDonald moved passage of the accompanying resolution amending Resolution No 2001R-208 entitled "Vacating 14th Avenue North, West of Washington Avenue North. (Vac #1344)", passed May 18, 2001. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-408**

**By McDonald**

**Amending Resolution No 2001R-208 entitled "Vacating 14th Avenue North, West of Washington Avenue North. (Vac #1344)" passed May 18, 2001.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

**"Vacating 14th Avenue North, West of Washington Avenue North. (Vacation File No. 1344).**

Resolved by The City Council of The City of Minneapolis:

That all that part of 14th Avenue North bounded to the North by the North line of the 14th Avenue North right of way line which is also the South line of Lot 1, Block 20, Bassett, Moore and Case's Addition. It is bounded to the East by a line running from the Southwest corner of Lot 1, Block 20, Bassett, Moore and Case's Addition to the Northeast corner of Lot 6, Block 13, Bassett, Moore and Case's Addition to the Northeast corner of Lot 6, Block 13, Bassett, Moore and Case's Addition. To the South it is bounded by the South right of way line of 14th Avenue North which is also the North line of Lot 6, Block 13, Bassett, Moore and Case's Addition. To the West it is bounded by a line running from the Northwest corner of Lot 6, Block 13, Bassett, Moore and Case's Addition to the Northeast corner of Lot 9, Block 11, Mendenhall's Subdivision of Blocks 11 and 13 in Case and Moore's Addition, thence by a line running North 89 degrees, 55 minutes, 40 seconds West a distance of 4 feet, thence North 3 degrees, 23 minutes, 14 seconds East a distance of 66.11 feet to the Southeast corner of Block 18, Case and Moore's Addition which is also the Southwest corner of Lot 1, Block 20, Bassett, Moore and Case's Addition, is hereby vacated."

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTIONS**

Ostrow, Campbell, Biernat, Johnson, Cherryhomes, Niland, Goodman, Thurber, McDonald, Mead, Colvin Roy and Lane offered a Resolution honoring Robert Chong for his many years of service to the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Not Published. See Resolution 2001R-409 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2001R-409**

**By Ostrow, Campbell, Biernat, Johnson, Cherryhomes, Niland, Goodman, Thurber,  
McDonald, Mead, Colvin Roy and Lane**

**Honoring Robert Chong for his many years of service to the City of Minneapolis.**

Whereas, Robert Chong has served the City of Minneapolis for over 22 years through his employment at the City and at the Minneapolis Community Development Agency; and

Whereas, Bob has served the City and the Agency as an intern, graphics specialist, engineering inspector, planner and project coordinator; and

Whereas, Bob's knowledge, skills and dedication to his profession contributed to the successful planning and implementation of a multitude of commercial development projects that continue to provide significant benefits to the residents, neighborhoods and business community of Minneapolis; and

Whereas, Bob's achievements in the revitalization of Lake Street are especially noteworthy; and

Whereas, Bob has earned the respect, admiration and affection of his co-workers over his long career at the City and the Agency; and

Whereas, on September 14, 2001, Bob will leave the Minneapolis Community Development Agency to return to his home in Honolulu, Hawaii to pursue his professional interests and his love for travel and photography;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That we commend Robert Chong for his service to the City of Minneapolis and thank him for his many contributions to the quality of life within the City.

Be It Further Resolved that we wish Bob much happiness, good health and personal fulfillment in the years to come.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**UNFINISHED BUSINESS**

Arnold Gregory: Passage of Resolution vacating alley bounded by 1<sup>st</sup> Av NE, 2<sup>nd</sup> Av NE, Main St NE & 2<sup>nd</sup> St NE to permit condominiums & townhomes in residential development. (Postponed 7/13/2001, Z&P)

**Z&P** - Your Committee, having under consideration the application of Arnold Gregory (Vac #1361) to vacate that part of the alley located in Block 44, St Anthony Falls Addition, bounded by 1st Av NE, 2nd Av NE, Main St NE and 2nd St NE to be used as part of the site for 84 condominiums and 12 townhomes, as part of a planned unit development, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267103 and to grant said vacation, subject to retention of easement rights by Xcel Energy, Minnegasco and MCI Worldcom.

Your Committee further recommends passage of the accompanying resolution vacating said alley and publication of the resolution in summary form.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-410**

**By McDonald**

**Vacating that part of the alley located in Block 44 St Anthony Falls Addn., bounded by 1<sup>st</sup> Avenue NE to the south, 2<sup>nd</sup> Avenue NE to the north, Main Street NE to the West and 2<sup>nd</sup> Street NE to the East. Vacation File No. 1361.**

Resolved by The City Council of The City of Minneapolis:

Vacating that part of the alley located in Block 44 St Anthony Falls Addn., bounded by 1<sup>st</sup> Avenue NE to the south, 2<sup>nd</sup> Avenue NE to the north, Main Street NE to the West and 2<sup>nd</sup> Street NE to the East Minneapolis, Minnesota is hereby vacated.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001. J. Cherryhomes, President of Council.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Great Brakes (3326 University Av SE): Revoke Site Plan Review Permit SP-44 and Motor Vehicle Repair Garage License for failure to complete site plan review process. (Postponed 8/10/2001, PS&RS)

**PS&RS & Z&P** - Your Committee, having under consideration Site Plan Review Permit SP-44 to allow an automobile repair facility at 3326 University Av SE, on file in the Zoning Office, and having under consideration the Motor Vehicle Repair Garage License held by Worku Weldegebrief, dba Great Brakes, Inc., and having held hearings to determine whether the terms of said permit have been violated and whether the licensee has met the requirements of Minneapolis Code of Ordinances, Chapter 259 relating to *Licenses and Business Regulations: In General* and Chapter 317 relating to *Licenses and Business Regulations: Motor Vehicle Repair Garages*, now recommends that SP-44 and the business license be revoked.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 20, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The Committee Inc, 701 1<sup>st</sup> Av N: Deny special permit to install advertising sign. (Postponed 8/24/2001, Z&P)

McDonald moved to continue postponement. Seconded.

Adopted upon a voice vote.

**NEW BUSINESS**

Biernat introduced an Ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 360.75 governing special late hours entertainment licenses).

Biernat introduced an Ordinance amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department. Fire Prevention Bureau*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding a new Article II entitled "*Establishment of Fire Lanes on Private and Public Property*").

McDonald introduced an Ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referral to the Zoning & Planning Committee (Amending Section 525.500 to be consistent with State law and amend 525.520 to allow the city to resort to an authorized means of relaxing standards for commercial & residential uses where undue hardship is found).

The City Council recessed to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners for consideration of the following:

- a) Claim of Veit Companies; and
- b) Rick's Cabaret vs. City of Minneapolis.

The City Council reconvened at 10.40 a.m. in Room 315 City Hall.

President Cherryhomes in the Chair.

Present - Council Members Goodman, Colvin Roy, McDonald (Out at 10:19, Return at 11:30), Mead, Lane, Johnson (In at 10:45), Thurber (In at 10:45), Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Mike Norton, Deputy City Attorney, stated that the meeting may be closed for the purpose of receiving confidential information on the above-named matters.

Campbell moved to close the meeting for the purpose of considering the above-named matters. Seconded.

Adopted upon a voice vote.

The meeting was closed at 10:41 a.m.

Bruce Gritters, Assistant City Attorney, summarized the matter of Veit Companies from 10:41 a.m. to 11:00 a.m.

Also present - Michael Norton, Deputy City Attorney, Bruce Gritters and Henry Reimer, Assistant City Attorneys; Rodney Liebold and Bill Jackson, Convention Center Expansion Project, Colleen Moriarty, Mayor's office; Kathleen O'Brien, City Coordinator; Merry Keefe, City Clerk; Pat Kelly, Council Member Assistant; Jan Hrcir, City Clerk's office.

Henry Reimer, Assistant City Attorney, summarized the *Rick's Cabaret vs. City of Minneapolis* lawsuit from 11:00 to 11:35 a.m.

Also present - Michael Norton, Henry Reimer, Colleen Moriarty, Merry Keefe, Pat Kelly, Jan Hrcir.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Campbell moved that the meeting be opened for the purpose of taking action on the matter of Veit Companies. Seconded.

Adopted upon a voice vote.

The meeting was reopened at 11:35 a.m.

Campbell moved to approve the following:

- a) Settlement in the matter of the claim of Veit Companies in accordance with the terms of the proposed settlement agreement as outlined by the City Attorney's office;
- b) Authorize the City Attorney to execute and deliver the settlement agreement and any other documents necessary to effectuate the settlement;
- c) Waive the City's MCCX change management procedures and authorize proper City officers to execute Veit change orders 6.006 and 6.007; and

d) Authorize payment by the City to Veit in the amount of \$2,052,167.24, representing the balance payable on Veit's full contract amount as adjusted by the two change orders included as part of the settlement agreement, and as further adjusted by a holdback of \$100,000 to cover necessary final corrective work, all in accordance with the terms and subject to the conditions set forth in the settlement agreement, payable from Fund/Org 4100-975-9751.

Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 14, 2001.

Approved September 14, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published September 18, 2001)

By unanimous consent, the meeting was adjourned.

MERRY KEEFE, City Clerk.